



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22878 of 2021

Selvakumar

... Petitioner

Vs.

State Represented by its
Inspector of Police,
Eravancheri Police Station,
Thiruvarur District.
(Crime No.500 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of petitioner's arrest by the respondent police in Crime No.500 of 2021 on the file of the Inspector of Police, Eravancheri Police Station, Thiruvarur District.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 and 430 of IPC r/w 21(4) of Mines and Minerals (Development & Regulation Act) 1957 in Crime No.500 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were on regular patrolling, they found that the petitioner along with another had illegally transported ½ units of river sand by using TATA ACE without any valid licence. Hence the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with another had illegally transported ½ units of river sand by using TATA ACE without any valid licence.

5. In order to curb the illegal sand mining activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai-91, A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Mobile No.9840894264, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for the welfare of poor people.

6.It is made clear that the deposit of the amount by the petitioner to the said Trust would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif-Cum-Judicial Magistrate, Nannilam, Thiruvavur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten thousand only) to the credit of DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai-91, A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Mobile No.9840894264, without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid



learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

-sd/-
30/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NANNILAM, THIRUVARUR DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ERAVACHERI POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 DHANABAKKIAMMAL SOCIAL WELFARE TRUST,
D-3, 1/338, VASANTHAM APARTMENT,
SABARI SALAI, MADIPAKKAM, CHENNAI-91,
A/C NO.921010003441816, AXIS BANK,
MADIPAKKAM BRANCH, IFSC CODE:UTIB0000083,
MOBILE NO.9840894264

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.NO.13708

CRL OP.22878/2021

Date :30/11/2021

JPA 06/12/2021