



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.24607 of 2021

N.Munusamy

... Petitioner

Vs.

The State Rep by
Inspector of Police,
R.K.Pet Police Station,
R.K.Pet, Tiruvallur District.
(Crime No.562 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 his arrest in Crime No.562 of 2021 on the file of the respondent.

For Petitioner : Mr.M.V.Deenadayalan

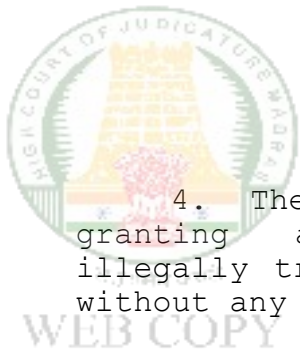
For Respondent : Mr.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.562 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1 unit of river by using Tractor with Trailer 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 such offence as alleged by the prosecution. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Organization as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that the petitioner had illegally transported 1 unit of river by using Tractor with Trailer without any valid licence

5. In order to curb the illegal 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 Anbagam, Rehabilitation Centre (for the Mentally III Persons), Kulandaivel Nachammal Nagar, Thirunilai Village, Vichur, Ponneri-TK, Thiruvallur, Contact No.044-29013306 and 9444009988 without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Rehabilitation Centre for the welfare of mentally retarded persons.

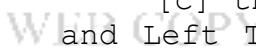
6. It is made clear that the deposit of the amount by the petitioner to the said Rehabilitation Centre would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner had willfully and on his own volition, he has agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the *learned Judicial Magistrate, Pallipattu* 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] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft Anbagam, Rehabilitation Centre (for the Mentally III Persons), Kulandaivel Nachammal Nagar, Thirunilai Village, Vichur, Ponneri-TK, Thiruvallur, Contact No.044-29013306 and 9444009988, without prejudice to his defence before the trial Court and submit proof of payment of the



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into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALLIPATTU, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]



3 THE INSPECTOR OF POLICE ,
R.K.PET POLICE STATION,
R.K. PET, TIRUVALLUR DISTRICT.

4 THE ANBAGAM,
REHABILITATION CENTRE (FOR THE MENTALLY III PERSONS),
KULANDAIVEL NACHAMMAL NAGAR,
THIRUNILAI VILLAGE, VICHUR, PONNERI-TK,
TIRUVALLUR. CONTACT NO.044-29013306 AND 9444009988.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.V.DEENADAYALAN Advocate on payment of necessary
charges SR.NO.15138

CRL OP.24607/2021

Date :17/12/2021

CSK 29/12/2021