



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

CrI.O.P.No.25898 of 2021

1.Veeramani
2.Seenuvasan @ Srinivasan

... Petitioners

Vs.

The Sub- Inspector of Police,
Veppur Police Station,
Cuddalore District.
Crime No.814 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973, praying to enlarge the petitioners on bail in the event of their arrest in Cr.No.814 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Saravanakumar.

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC r/w 21(1) of Mines and Minerals Development Regulation Act, 1957 in Crime No.814 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported 3 ½ units of pebbles from the river bed.

3.The learned counsel for the petitioners submits that the petitioners are an innocent and they have not committed any offence as alleged by the prosecution. He further submits that there is no prohibition for taking and transportation of pebbles. However, to show his *bona fide*, they are prepared to pay a sum of Rs.5,000/- each to any organization as directed by this Court.

4. The learned Additional Public Prosecutor submits that the petitioners have illegally transported 3½ units of pebbles and hence, the case was registered. She further submits that the petitioners have no previous case pending against them.



5. Considering the nature of mineral involved and their willingness to pay a sum of Rs.5,000/- each, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) each in favour of the District Green Committee, Cuddalore, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate No.I, Virudhachalam.

6. The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioner for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee, after two years and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

7. On production of receipt / acknowledgement for having paid the amount before the District Green Committee, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhachalam on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during the investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/12/2021

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S S.SARAVANAKUMAR Advocate on payment of necessary charges SR.NO.15705

CRL OP.25898/2021

Date :29/12/2021

TA-04/01/2022