



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.200 of 2022

1.K.Raja Mohammed
2.B.Srinivasan

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
M-1, Madhavaram Police Station
[Crime No.2508 of 2021]

... Respondent

Prayer: Criminal Original petition has been filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police in Crime No.2508 of 2021 on the file of the Respondent Police.

For Petitioners : Mr. M.Jaikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 21(1), 4 (1) (1A) of Mines and Minerals (development and Regulation Act) 420 & 109 of IPC in Crime No.2508 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally in possession of 20 tons of Silica Mud without proper permission. It is further alleged that the petitioners have also mixed the Silca Mud with Ordinary mud and were cheating the public. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and they have been falsely



implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were in possession of 20 tons of Silica Mud without the permission of the Government. He further submitted that the investigation is almost completed. However, he vehemently opposed for the grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **The District Munsiff cum Judicial Magistrate Court at Madhavaram**, on condition that the petitioners 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 and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of the Anbagam Psychiatric Rehabilitation Centre (TERDOD), 5 Subbarayan Main Street, Opp Government Polytechnic College, Nammalwarpet, Otteri, Chennai, 044-26605865, 9444009988, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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 petitioners are directed to appear before the respondent police on every Wednesday at 10.30 a.m., until further orders.

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

[e] the petitioners 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 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]**.

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

-sd/-

07/01/2022

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 MUNSIFF CUM
JUDICIAL MAGISTRATE COURT, MADHAVARAM,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE ANBAGAM PSYCHIATRIC REHABILITATION
CENTRE (TERDOD), 5 SUBBARAYAN MAIN STREET,
OPP GOVERNMENT POLYTECHNIC COLLEGE,
NAMMALWARPET, OTTERI, CHENNAI.
044-26605865, 9444009988,

+1 CC to M/S. M.JAIKUMAR Advocate on payment of necessary charges SR.NO.397

CRL OP.200/2022

Date :07/01/2022

TA-20/01/2022