



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No. 684 of 2022

Abemanniya

... Petitioner

Versus

The State;
Represented by;
The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
(Crime No.202 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 pending investigation in Crime No.202 of 2021 on the file of the respondent police.

For Petitioner : Mr.J. Jawahar

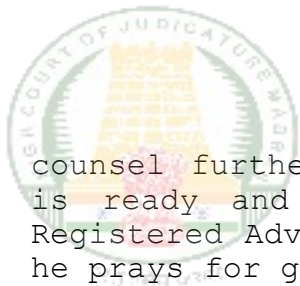
For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 379 IPC read with Section 21(1)) of Mines and Minerals [Development and Regulation] Act, 1957 in Crime No. 202 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found illegally transported 1 unit of river sand by using Two-Wheeler bearing Regn.No.TN-50-M-4762. Hence, the complaint.

3. The learned counsel 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 submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the Registered Advocate Clerks' Association, Thiruvarur District. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the quantity of sand involved is 1 unit of river sand by using Two-Wheeler bearing Regn.No.TN-50-M-4762. Hence, he opposed for grant of anticipatory bail to the petitioner.

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 Registered Advocate Clerks' Association, Thiruvarur District, without prejudice to his rights.

6.It is made clear that the deposit of the amount by the petitioner to the said Association 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 anticipatory bail.

7. Considering the period of incarceration undergone by the petitioner and also the fact that investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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 learned Judicial Magistrate-II, Mannargudi, and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Registered Advocate clerks' Association, Thiruvarur District, within a period of two weeks from the date of receipt of copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Judicial Magistrate No.II, Mannargudi District within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

(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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.;

-sd/-
12/01/2022

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 JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, THIRUVARUR DISTRICT.

WEB COPY

CC to M/S J.JAWAHAR Advocate on payment of necessary charges

CRL OP.684/2022

Date :12/01/2022

JPA 28/01/2022