



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. 651 of 2022

Logesh

... Petitioner

Versus

The State;
Represented by;
The Inspector of Police,
Padalam Police Station,
Chengalpet District.
(Crime No.115 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. 115 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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 under Sections 379 and 430 of IPC read with Section 21(1) of Mines and Minerals [Development and Regulation] Act, 1957 in Crime No.115 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found illegal possession of 1/4 unit of river sand by using Bolero Tata 407. 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.3,000/- to the Registered Advocate Clerks' Association, Chengalpet 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 1/4 unit of river sand by using Bolero Tata 407. 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.3,000/- (Rupees Three Thousand Only), to the credit of the Registered Advocate Clerks' Association, Chengalpet 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 Court No.I, Chengalpet District, and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) to the credit of the Registered Advocate clerks' Association, Chengalpet 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, Chengalpet 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;



5 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION, CHENGALPATTU DISTRICT.

+1 CC to M/S R.PARTHIBAN Advocate on payment of necessary
charges SR.NO.768

CRL OP.651/2022

Date :12/01/2022

JPA 24/01/2022