



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4176 of 2022

A.KARTHIK

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE,
B6 MAPPEDU POLICE STATION,
THIRUVALLUR.

[RESPONDENT]

(B6 MAPPEDU PS CRIME NO.30/2022)

For Petitioner : M/S.M.UDAYABHANU Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 480 of IPC, 1860 (as amended) and Section 21 of Mines and Minerals Act in Crime No.30 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. This petition is for anticipatory bail for the alleged offence under Sections 4(1) and 4(1-A) of Tamil Nadu Mines and Minerals Act and prosecution case is that on 12.02.2022, the Assistant Geologicolist, Geology and Mining Department, Thiruvallur, gave a complaint regarding illegal transport of gravel sand on pursuance of lorry bearing Regn.No.TN-11-AL-0064 owned by the petitioner herein was intercepted and seized along with 6 units of gravel sand.



3. The learned counsel for the petitioner has submitted that the gravel sand was transported to meet out the PWD works contract and the vehicle entered into Thiruvallur District instead of Kanchipuram District to save distance. Therefore, the concerned authorities have detained the vehicle as if the petitioner had violated the act. Further, according to the petitioner, no summon under Section 41-A of Cr.P.C served on the petitioner and without summoning, the respondent police is trying to arrest the petitioner.

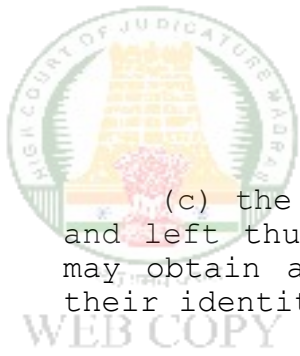
4. On perusing the FIR, this Court finds that on interception of the vehicle carrying gravel sand illegally, the same has been brought to the police station by the defacto complainant and handed over to work for further action. Thereafter, the case has been registered against the Driver and Owner of the vehicle for the alleged offence under Sections 379 and 480 of IPC r/w Section 21 of Mines and Minerals (Development & Regulation) Act. The petitioner herein being the Owner has come before this Court for apprehending arrest.

5. As far as prosecution is concerned, so far there is no indication that they have proceeded against the petitioner herein to secure him in connection with the said case on cumulative assumption of the fact and quantum of gravel sand alleged to have been illegally transported. This Court is of the view that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioner may be granted anticipatory bail with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thiruvallur on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the concerned District Collector's Fund as non-refundable deposit. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the Investigation Officer daily at 10.30 a.m., until completion of investigation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

7. It is made clear that granting of anticipatory bail to the petitioner will no way stand in the way of the concerned authorities to confiscate the vehicle and proceed as per law.

-sd/-

28/02/2022

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
B6 MAPPEDU POLICE STATION,
THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR'S FUND,
THIRUVALLUR DISTRICT.

6 THE OFFICER INCHARGE,
THE DISTRICT MINES AND MINERALS FOUNDATION
TRUST, THIRUVALLUR DISTRICT.

+1 CC to M/S.M.UDAYABHANU Advocate on payment of necessary
charges SR.NO. 3103

CRL OP.4176/2022

Date :28/02/2022

RW 03/03/2022