



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5006 of 2022

S.V.DHAKSHNAMURTHY

[PETITIONER / ACCUSED]

Vs

STATE REPBY
THE INSPECTOR OF POLICE,
P2 OTTERI POLICE STATION,
CHENNAI.
CRIME NO.200/2022.

[RESPONDENT]

For Petitioner : M/S.P.PARTHIPAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest by the respondent police for the offences punishable under Sections 379 of IPC r/w Section 21 (1), 4(1)(1-A) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.200 of 2022 is before this Court seeking anticipatory bail.

2. As per the First Information Report, on inspection of the Binny Mill premises, the defacto complainant found nearly 225 units of sand illegally stored by various traders and also found one lorry bearing registration No.TN-01-BP4777 loaded with two units of M-Sand and also one JCB for loading and unloading the minerals. The petitioner herein is the owner of the lorry, in which two units of M-Sand found loaded.



3. The learned counsel appearing for the petitioner submits that the petitioner is an authorized transporter and trading the M-sand with valid permission.

WEB COPY

4. However, the learned Government Advocate (Crl. Side) would state that huge quantity of M-sand has been kept within the premises of Binny complex. Neither the Manager of the Binny Mill nor the person who has stored the minerals in that place were able to produce the account for the minerals and thus the petitioner herein being the owner of the lorry in which M-sand was found, is part of the illegal storage and transportation of minerals.

5. This Court after considering the averments made in the complaint as well as the documents produced by the learned counsel appearing for the petitioner herein, is of the view that the petitioner had some dealing in transporting M-sand and some records are also available to show that he has purchased the M-sand from authorized person and possessed transit passbook.

6. Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition 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, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. 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) 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;



(c) the petitioner shall report before the Investigation Officer as and when required for interrogation.

(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.

If the vehicle is found to be carrying minerals illegally, the grant of anticipatory bail shall not stand in the way of the authorities to proceed with the confiscation process.

-sd/-

03/03/2022

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P2 OTTERI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DISTRICT COLLECTOR,
DISTRICT MINES AND MINERALS FOUNDATION TRUST,
CHENNAI DISTRICT.

WEB COPY

+2 CC to M/S.P.PARTHIPAN Advocate on payment of necessary charges
SR.NO. 3458

CRL OP.5006/2022

Date :03/03/2022

RW 09/03/2022