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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8145 of 2022

JAYARAMAN [PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE
SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.62 OF 2022.

For Petitioner : M/S.R.DILLI KUMAR Advocate

For Respondent : MR.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 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.62 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the owner of the crusher unit. On 15.03.2022, a lorry bearing Reg.No. TN 11 AM 9545 was intercepted and it was found 4 unit of M-sand and the driver of the lorry had disclosed that M-sand was loaded from the crusher unit and it does not have any valid permit for transport. Hence the petitioner is arrayed as one of the accused in the said case registered in Crime No. 62 of 2022.

3. The learned counsel for the petitioner submitted that the petitioner was neither the owner of lorry nor he transported the M-sand which happened to be seized by the respondent police. Based on the statement of the lorry driver one Kumar, the petitioner has been implicated as one of the accused along with the owner Rajendran.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent stated that the source of the M-sand, as of now investigation indicates the petitioner herein and there is no other material to show that it was transported from any other place but from the crusher unit.

5. Considering the above submissions and defense taken by the learned Counsel for the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty 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, Sriperumbudur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties 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.20,000/- (Rupees Twenty 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 further orders;

(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;

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(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. However, grant of anticipatory bail shall not stand in the way of the authorities to initiate confiscation proceedings relating to the vehicle involved in the offence.

-sd/-
08/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
CHENGALPET.

+1 CC to M/S.R.DILLI KUMAR Advocate on payment of necessary charges SR.NO.5452

CRL OP.8145/2022

Date :08/04/2022

JPA 18/04/2022

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