



Crl.O.P.No.23947 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23947 of 2022

Anbazhagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perugavazhathan Police Station,
Thiruvarur District.
(Crime No.157 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.157 of 2022, on the file of the respondent Police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.09.2022, for the offences punishable under Sections 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.157 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.09.2022, when the respondent police was on their routine patrol duty, the petitioner was found in illegal transportation of 2 units of river sand in a Tractor bearing registration TN 68 J 9329 and the petitioner is the owner of the tractor. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case as he is the owner of the vehicle. He would further submit that there is no previous case as against the petitioner. He would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.10,000/- to any welfare scheme of the Government. Therefore, he prays

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for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that on 21.09.2022, when the respondent police was on their routine patrol duty, the petitioner was found in illegal transportation of 2 units of river sand in a Tractor bearing registration TN 68 J 9329 and the petitioner herein is the owner of the tractor. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and also taking note of the fact that the petitioner is prepared to deposit a sum of Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain



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conditions. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Manargudi, Thiruvarur District**, and on further conditions that

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the



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respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To
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- 1.The Judicial Magistrate No.II,
Mannargudi, Thiruvaur District.
2. The Inspector of Police,
Perugavazhanthan Police Station,
Thiruvarur District.
3. The Sub Jail, Mannargudi.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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