



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.575 of 2023

Gowtham Chinna Maharaja @ Gowtham, ... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tenkasi District.
Crime No.7 of 2023.

... Respondent/Complainant

For Petitioner : Senthilkumar R,
Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., in Crime No.7 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that when raid was conducted at Ramanathi Dam to Kanavoor Road, the police officials seized one Tractor bearing Reg.No.TN.76.AQ.1557 (JOHN DEERE) with 1 ½ unit of red sand worth of Rs.1,200/- and the petitioner is the owner of the said vehicle. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him since he happens to be the owner of the vehicle and other than that he has nothing to do with the alleged offence. He would submit that the petitioner is running crusher in the name of Arulvelraj Crusher and for running the Crusher, he is having license and permission. He would also submit that the petitioner's name was included without any basis. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that 1 ½ unit of red sand worth Rs.1,200/- has been illegally transported in the petitioner's vehicle. However, he would submit that no previous case is pending against the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court directs the petitioner to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

7. 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.

8. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner has no bad antecedent, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non refundable deposit 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 in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Ambasamuthiram, Thenkasi District, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall



stand dismissed and on further condition that:

[a] the petitioner and 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 respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

sd/-
10/01/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1. The Judicial Magistrate Court,
Ambasamuthiram.
2. Do Through The Chief Judicial Magistrate,
Tirunelveli
3. The Inspector of Police,
Kadayam Police Station, Kadayam,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to

The Officer Incharge,
District Mineral Foundation trust,
Tirunelveli.

+1 CC to M/s.PONRAJ P ---, Advocate (SR-454[I] dated 10/01/2023)

+1 CC to M/s.PONRAJ P ---, Advocate (SR-459[I] dated 10/01/2023)

ORDER

IN

CRL OP(MD) No.575 of 2023

Date : 10/01/2023

TR/BUC/SAR-IV(23.01.2023) 4P 8C