



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.14178 of 2021

WEB COPY

1.Vadivel
2.Kannan
3.Sampathkumar

... Petitioners

Vs.

The State represented by its
The Inspector of Police,
Kolathur Police Station,
Salem District.
Crime No.489 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on anticipatory bail in the event
of their arrest in Crime No.489 of 2020 pending on the file of the
Inspector of Police, Kolathur Police Station, Salem

For Petitioners : Mr.P.Alexander

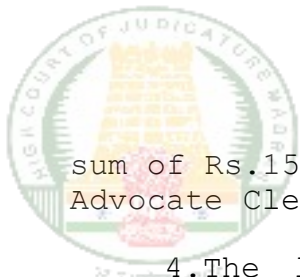
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 and 511 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.489 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported the satha stone (ordinary) by using JCB Engine No. N.H00115120 Chase No.HAR 3DXSSH01895879. Hence this complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners were not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, are ready to deposit a



sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of the Advocate Clerks Association that may be imposed by this Court.

4.The learned Government Advocate (Crl. Side) submitted that there are three previous cases pending against the petitioner/A1. Hence, he vehemently opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and taking into account the submission made by the learned Government Advocate (Crl side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Principal Sessions Judge, Salem (Special Court), on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerk Association, Salem, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police on every Friday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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

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-sd/-

26/11/2021

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 PRINCIPAL SESSION JUDGE
SPECIAL COURT, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, SALEM

+1 CC to M/S.P.ALEXANDER Advocate on payment of necessary charges
SR.No.13604

CRL OP.14178/2021

Date :26/11/2021

APN 30/11/2021