

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7381 of 2021

1 K.KUMAR
2 MANIVASAGAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR
(CR.NO.2024/2020)

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest for the alleged offences under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.2024 of 2020, on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the defacto complainant while inspecting the vehicles found the petitioner/A1 was driving a tipper lorry bearing No.TN 37 BY 4909, containing 3 units of rough stones. When he was asked to show the licence or permit, he got down from the lorry and ran away. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the stones were taken from their own land, which was collected during erection of well for agricultural purpose and now for the purpose of constructing a house, the stones were transported from their agricultural land. Hence, he sought for anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that petitioners without any valid license or permit transported the stones. He further submitted that the petitioners have no previous case against them.

6. Taking into consideration the facts and circumstances of the case and the nature of allegation against the petitioners and also the submissions made by the learned Additional Public Prosecutor that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Palladam, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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].

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

-sd/-

22/04/2021

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 JUDICIAL MAGISTRATE,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
Sr.5261

CRL OP.7381/2021

Date :22/04/2021

RVR 30/04/2021

WEB COPY