



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14232 of 2021

VIJI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THOOKANAMPAKKAM POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.57/2021)

[RESPONDENT]

For Petitioner : M/S K.RAVEENDRAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

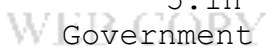
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379, 430 of IPC and read with section 21(1) of Mines & Minerals (Development and Regulation) Act in Crime No.57 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal transportation of $\frac{1}{4}$ unit of river sand by using bullock cart.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.10,000/- to the Mineral Foundation Trust.

4.The learned Government Advocate submitted that there is no previous case pending against the petitioner. He further submitted that if the persons are caught with illegal sand in the mining area, necessarily they could be released on bail by imposing condition of deposit of any amount as may be ordered by this Court. In view of



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(c) 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 respondent police daily at 10.30 a.m. until further orders and thereafter, appear before the respondent police as and when required for interrogation;

(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;

(g) 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]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
13/08/2021

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-I,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THOOKANAMPAKKAM POLICE STATION,
CUDDALORE DISTRICT



4 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.RAVEENDRAN Advocate on payment of necessary charges

CRL OP.14232/2021

Date :13/08/2021

CSK 26/08/2021