



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

WEB COPY

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20910 of 2021

1 DHARANI @ DHARANIDHARAN
2 TAMIZ KUDIMAGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SANTHAVASAL POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR. NO. 827/2021

[RESPONDENT]

For Petitioner : M/S.S.L.VENKATESAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379, 430 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.827 of 2021, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 1 unit of sand illegally in their vehicle. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have transported 1 unit of sand illegally in their vehicle. He further submitted that there is no previous case pending against the petitioners.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Principal Sessions Court, Tiruvannamalai, on condition that the petitioners shall execute 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, 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.3,000/- (Rupees Three Thousand only) jointly 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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

WEB COPY

-sd/-
08/11/2021

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 SESSIONS COURT,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
SANTHAVASAL POLICE STATION,
TIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM.

+1 CC to M/S.S.L.VENKATESAN Advocate on payment of necessary charges SR.NO.12488

CRL OP.20910/2021

Date :08/11/2021

INBA-11/11/2021