



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21394 of 2021

BABY

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
C-5, ORAGADAM POLICE STATION,  
KANCHEEPURAM DISTRICT.  
CRIME NO. 603/2021.

[ RESPONDENT ]

For Petitioner : M/S. C.D.SUGUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government 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 offences under Sections 379 of IPC r/w 21(1) Mines and Minerals (Development & Regulation Act) 1957, in Crime No.603 of 2021, seeks anticipatory bail.

c

2. The case of the prosecution is that on 02.10.2021 when the authorities under Mines and Minerals Act were on the regular checking of vehicles, they seized 17 vehicles carrying ordinary stones and dust due to over writing in the trip sheets and for other reasons. The petitioner is the owner of the TARUS Lorry with Registration No. TN 20 CU 7399, which is one of the vehicle seized by the authorities concerned for over writing in the trip sheet. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was no previous case. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sriperambadur, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Kancheepuram District 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 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.

[c] the petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioner 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 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].



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

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-sd/-  
15/11/2021

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 JUDICIAL MAGISTRATE,  
SRIPERAMBADUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
C-5, ORAGADAM POLICE STATION,  
KANCHEEPURAM DISTRICT.

5 THE REGISTERED ADVOCATE  
CLERK ASSOCIATION,  
KANCHEEPURAM DISTRICT.

+1 CC to M/S. C.D.SUGUMAR Advocate on payment of necessary charges SR.NO.12774

CRL OP.21394/2021

Date :15/11/2021

RW 18/11/2021