



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21152 of 2021

SIVA KUMAR

[PETITIONER / ACCUSED]

Vs

SUB INSPECTOR OF POLICE
KATPADI POLICE STATION,
VELLORE DISTRICT
(CRIME NO.287/2021)

[RESPONDENT]

For Petitioner : M/S M.R.THANGAVEL Advocate

For Respondent : MR.A.GOKULAKRISHNAN ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 379, 430 IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957, in Crime No.287 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner involved in illegal transportation of 1 unit of river sand in a Tractor bearing Regn. No. TN-29 AA 2469, without obtaining any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had illegally transported 1 unit of river sand in a tractor. He further submitted that there is one previous case pending against the petitioner. Hence, he opposed for grant of 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, Katpadi, Vellore Dt 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.5,000/- (Rupees Five Thousand only) to the credit of the Registered Advocate Clerk Association, Vellore 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.

WEB COPY

-sd/-

10/11/2021

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,
KATPADI, VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 SUB INSPECTOR OF POLICE
KATPADI POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, VELLORE DISTRICT

+1 CC to M/S M.R.THANGAVEL Advocate on payment of necessary charges SR.No.12597

CRL OP.21152/2021

Date :10/11/2021

APN 17/11/2021