



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.21336 of 2021

1 VIJAY [PETITIONERS / ACCUSED]
2 SILAMBARASAN @ SILAMBU
3 ARIVAZHAGAN @ HARI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.
(THIRUPPATHUR DISTRICT)
CRIME NO.454 OF 2021.

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : M/S.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 for the alleged offences under Sections 379, 430 of IPC, r/w. section 21(1) of Mines & Minerals (Regulation and Development) Act 1957, in Crime No.454 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioners are A3, A6 and A12. It is alleged that the petitioners were involved in illegal transportation of 1/4 unit of river sand in a bullock cart, without obtaining any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that this Court granted anticipatory bail to co-accused in CrI.O.P.No.14991 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the petitioners involved in illegal transportation of 1/4 unit river sand in a bullock cart. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance before the learned **Addl. D.M.cum J.M. Ambur** on condition that the petitioners 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 petitioners are directed to deposit a sum of **Rs.3,000/- (Rupees Three 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 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 are directed to report before the respondent police daily at 10.30 a.m., until further orders;

[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/-
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 ADDITIONAL DISTRICT
MUNSIF-CUM, JUDICIAL MAGISTRATE,
AMBUR, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.
(THIRUPPATHUR DISTRICT)

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
VELLORE DISTRICT.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.12800

CRL OP.21336/2021

Date :15/11/2021

TA-18/11/2021