



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

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21456 of 2021

BABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY THE
THE INSPECTOR OF POLICE,
SUNGUVACHATRAM POLICE STATION,
KANCHEEPURAM.
(CRIME NO. 725/2021)

[RESPONDENT]

For Petitioner : M/S V.JOHNSON YUVARAJ Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (CrI. 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 430, 379 of IPC r/w 21(1) of Mines and Minerals Act, 3(1) TNPPDL Act, in Crime No.725 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 06.11.2021 when the police personnel were conducting an inspection in the route of Pallamolachur and Vasanampattu and at that time a tractor bearing the registration No. TN 21 AC 4622 was carrying 1/2 unit of savadu sand and when the officials enquired the driver had informed that the lorry belongs to the petitioner and as the lorry driver did not have any records the tractor was seized and the respondent police have registered an FIR. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (CrI. Side) appearing for the respondent submitted that the petitioner were found illegally transporting 1/2 Unit of Savadu Sand. 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.

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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 Court, 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.5,000/- (Rupees Five 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.

-sd/-

16/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
SRIPERAMBADUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SUNGUVACHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S V.JOHNSON YUVARAJ Advocate on payment of necessary
charges SR.NO.12880

CRL OP.21456/2021

Date :16/11/2021

CSK 17/11/2021