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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21963 of 2021

G.N.Nagaraj

... Petitioner

Versus

The State rep. by
The Inspector of Police,
Kanakammachatram Police Station,
Thiruvallur District,
Tamil Nadu - 631 204.

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on Bail in the event of his arrest in Crime No.601 of 2021 on the file of the respondent police.

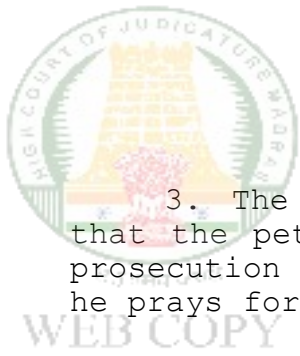
For Petitioner : Mr.Hari Prasath

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of IPC r/w 21(1) of MMDR Act in Crime No.601 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police after completing his patrol duty in Kanakamma Chatram Bazar, had gone to Naidu Pettai near Kosasthalai river for inspection, where he had found a tractor with trailer bearing register No.TN 323 Y 9357 and that upon inspecting the same, the respondent police had confiscated 1/4 unit of river sand, from the said vehicle which was illegally being transported, that belonged to the petitioner herein. 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 (Crl. Side) appearing for the respondent submitted that the petitioner was found illegally transporting 1 unit of river sand without permission. 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, Tiruttani, 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 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.

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

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



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

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-sd/-
19/11/2021

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANAKAMMACHATRAM POLICE STATION,
THIRUVALLUR DISTRICT.
TAMIL NADU - 631 204.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.HARI PRASATH Advocate on payment of necessary charges SR.NO.13075

CRL OP.21963/2021

Date :19/11/2021

RW 23/11/2021