



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21750 of 2021

(*)1.Thangavel @ Thangaraj

2.Sabari Ganeshan

... Petitioners

Versus

State rep. by
The Inspector of Police,
Alandurai Police Station,
Coimbatore District.

(*) (Crime No.228 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in **(*) (Crime No.228 of 2021)** on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

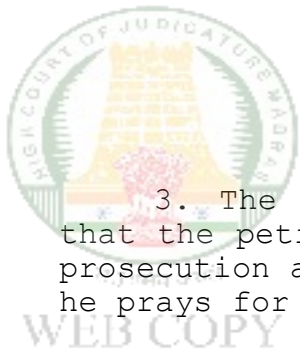
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
[CRL.O.P.No.21750 of 2021]

MR.A.Gokulakrishnan,
Additional public Prosecutor
[CRL.M.P.NO.12654 of 2021]

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in **(*) (Crime No.228 of 2021)**, seeks anticipatory bail.

2. The case of the prosecution is that on 13.11.2021 the defacto complainant with subordinate were routine checkup at nearby Vellaiyur Attukaran Kovil, at the time one Tipper lorry was came upon that place, the respondent police stopped the vehicle and searched inside, it was possession of 2 1/2 units of Gravel without valid bill to the authority. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have 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 petitioners were found illegally transporting 2 1/2 units of Gravel sand without permission. However, he vehemently opposed to grant 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 are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.V, Coimbatore, 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.10,000/- (Rupees Ten Thousand only) to the credit of the Tamil Nadu Registered Advocate Clerk Association, Chennai 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].

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

-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.

**(*)AMENDED AS PER ORDER OF THIS COURT DATED 02/12/2021 MADE IN
CRL.MP.No.12654 OF 2021 IN CRL.O.P.No.21750 OF 2021**

TO

1 THE JUDICIAL MAGISTRATE,
NO.V, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALANDURAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMILNADU REGISTERED
ADVOCATE CLERK ASSOCIATION, CHENNAI

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.12654

CRL OP.21750/2021

Date :19/11/2021

APN 23/11/2021

JPA 13/12/2021