



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22526 of 2021

1. Alex @ Andros alexander ...Petitioners
2. Naveen @ Naveen kumar

Versus

The State Represented by ...Respondent
Inspector of Police
Pullarambakkam Police Station,
Thiruvallur District.
(Crime No.127 of 2021)

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.127 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.K,K,Narendran

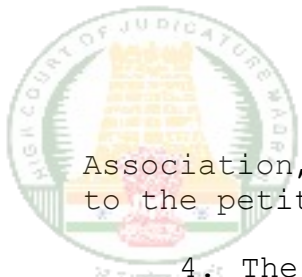
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 and 430 of IPC r/w 21(i) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.127 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported ½ unit of river sand by using van, without any permission. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.15,000/- to the Madras High Court Advocate Clerks Welfare



Association, Chennai. 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 had illegally transported ½ unit of river sand by using van, without any permission. He further submitted that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), 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 their appearance before the **learned Judicial Magistrate Court No.1, Thiruvallur District**, on condition that the petitioners shall execute a separate 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 first petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Madras High Court Advocate Clerks Welfare 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 second petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Madras High Court Advocate Clerks Welfare 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.**

[c] 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.

[d] the petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders. .



[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

-sd/-
30/11/2021

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,
NO.1, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PULLARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.



5 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S.K.K.NARENDRAN Advocate on payment of necessary
charges SR.NO.13802

CRL OP.22526/2021

Date :30/11/2021

TA-07/12/2021