



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22481 of 2021

D.TamilSelvan

...Petitioner

Versus

The State,
Inspector of Police
Salavakkam Police Station,
Chengalpattu District.
(Crime No.87 of 2021)

...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 by the respondent police in the case pending investigation in Crime No.87 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Prasannakumar

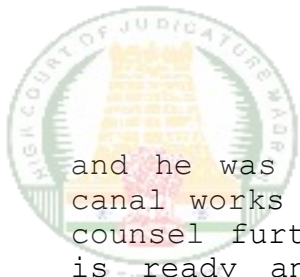
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 379, 430 of IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957, in Crime No.87 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner involved in illegal transportation of 8 units of river sand in two lorries bearing Regn. No. TN-11 AK 6907 and TN 11 AK 6922 without obtaining any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner carried the sand from the Civil Court, Kancheepuram



and he was taken the sand only for the purpose of modernizing the canal works at Keezhkattalai. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had illegally transported 8 units of river sand in two lorries. He further submitted that there is no previous case pending against the petitioner. He further submitted that the petitioner has enclosed the permission given by PWD Kancheepuram Department. Hence, he opposed for grant of 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, Uthiramerur** 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.10,000/- (Rupees Ten Thousand only)** to the credit of the **Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Appartment, Sabari Salai, Madipakkam, Chennai-91, A/C No.921010003441816, Axis Bank, Madipakkam branch, IFSC Code:UTIB0000083, Cell No.9840894264, 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/-
26/11/2021

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,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
CHENGALPATTU DISTRICT.



5 THE DHANABAKKIAMMAL SOCIAL
WELFARE TRUST, D-3, 1/338, VASANTHAM
APPARTMENT, SABARI SALAI, MADIPAKKAM,
CHENNAI-91, A/C NO.921010003441816, AXIS
BANK, MADIPAKKAM BRANCH.
IFSC Code:UTIB0000083, Cell No.9840894264,

+1 CC to M/S. D.PRASANNAKUMAR Advocate on payment of necessary
charges SR.NO.13719

CRL OP.22481/2021

Date :26/11/2021

TA-06/12/2021