



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22762 of 2021

C.Poovarasana

... Petitioner

Vs.

State rep by
The Inspector of Police,
Magudanchavadi Police Station,
Salem-637 504.
(Crime No.487 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to release the petitioner on bail in the event of arrest pending investigation in Crime No.487 of 2021 on the file of the Inspector of Police, Magudanchavadi Police Station, Salem-637 504.

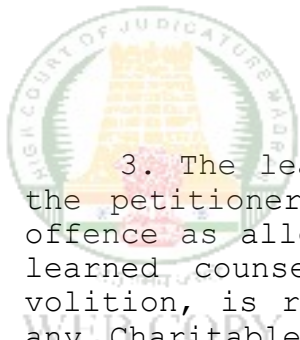
For Petitioner : Mr.A.Ramesh Manikandan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation Act) 1957 in Crime No.487 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.11.2021, when the respondent police were on the regular checking of vehicles, they found that the petitioner along with other accused had illegally transported 2 units of gravel sand in a tractor with trailer and mini tipper lorry by using JCB without any valid licence and the respondent police seized the said vehicles. Hence the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.15,000/- to any Charitable Institute as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with other accused had illegally transported 2 units of gravel sand in a tractor with trailer and mini tipper lorry by using JCB without valid licence and the respondent police seized the said vehicles.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.15,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners 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 No.2, Sangagiri, Salem 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.15,000/- (Rupees Fifteen thousand only) to the Registered Advocate Clerk Association, Salem 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 on every Tuesday at 10.30 a.m., for a period of four weeks and thereafter as and required for interrogation;



[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/-
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.2, SANGAGIRI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM - 637 504.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, SALEM DISTRICT.

CC to A.RAMESH MANIKANDAN Advocate on payment of necessary
charges.

CRL OP.22762/2021

Date :30/11/2021

JPA 07/12/2021