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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

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

Crl.O.P.No.22614 of 2021

Saravanan

... Petitioner

Vs.

State by The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur District.
Crime No.68 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.68 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Tamil Selvan

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 379 and 430 of IPC r/w Section 21(1) of mines and minerals (Development and Regulation) Act, 1957, in Crime No.68 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had involved in illegal transportation of 1 unit of river sand in a Tractor, without obtaining any permission from the concerned authorities. Hence the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that petitioner had illegally transported one unit of river sand in a Tractor. 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 -II, Thirupathur District, 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 Madras High Court 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 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

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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.

(*)Being mentioned as per order of this Court dated 23/12/2021 made in CRL.OP.NO.22614/2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUPATHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUATHUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.

5 THE MADRAS HIGH COURT ADVOCATE CLERK
ASSOCIATION, CHENNAI.

+1 CC to M/S.A.TAMILSELAVAN Advocate on payment of necessary charges SR.NO.15411

CRL OP.22614/2021

Date :26/11/2021

TA-01/12/2021

JPA 23/12/2021