



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

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CORAM:

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

Crl.O.P.No.22708 of 2021

Gunasekaran

... Petitioner

Vs.

The State Rep by
Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.1249 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 pending investigation in Crime No.1249 of 2021 on the file of the Inspector of Police, Virudhachalam Police Station, Cuddalore District. .

For Petitioner : Mr.M.Selvam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.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 Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.1249 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 2½ units of M-sand by using lorry without any valid licence. 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 such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.15,000/- to the credit of DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai-91, A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Mobile No.9840894264,



without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for the welfare of poor people. Hence, he prays for granting of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that petitioner had illegally transported 2½ units of M-sand by using lorry without any valid licence.

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 had willfully and on his own volition, he has agreed to contribute a sum of Rs.15,000/- for charitable purpose, 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-I, Vridhachalam* 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] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the petitioner shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai-91, A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Mobile No.9840894264, without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

[c] 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.

[d] the petitioner is directed to report before the respondent police on every Thursday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

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



[f] the petitioner 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 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];

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

-sd/-
29/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE DHANABAKKIAMMAL SOCIAL
WELFARE TRUST, D-3, 1/338, VASANTHAM APARTMENT,
SABARI SALAI, MADIPAKKAM. CHENNAI-19.
A/c No.921010003441816, Axis Bank,
Madipakkam Branch, IFSC Code:UTIB0000083,
Mobile No.9840894264.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1CC to M/S. M.SELVAM Advocate on payment of necessary charges
SR.NO.13649

CRL OP.22708/2021

Date :29/11/2021

CSK 02/11/2021