



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.22591 of 2021

1. Dhanakotti .. Petitioners
2. Nithiyanandham
3. Venkatesan
4. Kasi

Vs.

State rep by ...Respondent
Inspector of Police,
Anaicut Police Station,
Vellore District.
(Crime No.120 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.120 of 2021 on the file of the respondent police.

For Petitioners : Mr.G.Nirmal Krishnan

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, 430, 420 of IPC r/w 21(1) of Mines and Minerals (D and R) Act in Crime No.120 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 16 units of red soil by using four lorries without any valid licence. Hence the complaint.

3. The learned counsel appearing for the petitioners submits 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 submits that the petitioners, on their



own volition, they are ready and willing to contribute a sum of Rs.60,000/- **for the purpose of improving and maintaining the Government Schools.** Hence, he prays for granting of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that petitioners had illegally transported 16 units of red soil by using four lorries 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 petitioners have willfully and on their own volition, they have agreed to contribute a sum of **Rs.60,000/-** for charitable purpose, 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-V, Vellore** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** 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 petitioners 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 petitioners shall make a non-refundable deposit of **Rs.60,000/- [(Rs.15,000/- each) (Rupees Sixty thousand only)]** to the credit of " **The Chief Educational Officer, Vellore District**, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their 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 petitioners ;

[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 on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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.

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
29/11/2021

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

TRUE COPY

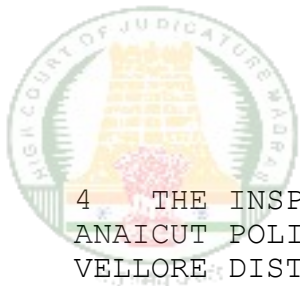
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
ANAIKUT POLICE STATION,
VELLORE DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
VELLORE DISTRICT.

+1 CC to M/S.G.NIRMAL KRISHNAN Advocate on payment of necessary
charges SR.NO.13685

CRL OP.22591/2021

Date :29/11/2021

TA-06/12/2021