



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22808 of 2021

Madhan

...Petitioner

Versus

State represented by
The Inspector of Police,
Bremadasam Police Station,
Thiruvannamalai District.
(Crime No.77 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 arrest in the hands of respondent in Crime No.77 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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 under Sections 379 and 430 of IPC r/w Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.77 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 04.05.2021 the respondent police conducting a routine vehicle checkup, at that time the petitioner vehicle was found in possession of 2.5 unit of river sand in Tata Tipper Lorry bearing registration No. TN 07 K 5236. The above said lorry was seized by the respondent police involving in illegal sand theft. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner illegally transported 2.5 units of river sand without permission. However, he vehemently opposed to grant 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 Court, Cheyyar, Thiruvannamalai 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.20,000/- (Rupees Twenty Thousand only)** to the credit of the Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur, Account Name: SEED, A/c. 2926101000002, Canara Bank, Sriperumbudur, IFSC CNRB0002926, Cell No.9944812053 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 and Sunday 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/-
01/12/2021

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,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BREMADASAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SOCIETY FOR THE EDUCATIONAL AND
ECONOMIC DEVELOPMENT (SEED)
REG., SRIPERUMBUDUR, ACCOUNT NAME: SEED,
A/C.2926101000002, CANARA BANK, SRIPERUMBUDUR,
IFSC CNRB0002926, CELL NO.9944812053.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary
charges SR.NO.13862

CRL OP.22808/2021

Date :01/12/2021

TA-07/12/2021