



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

WEB COPY

CORAM:

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

CrI.O.P.No.23325 of 2021

Arunagiri

...Petitioner

Vs.

State, rep. by
The Inspector of Police
Pullambakkam Police Station,
Thiruvallur District
(Crime No.73 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on anticipatory bail pending investigation in Crime No.73 of 2020 on the file of the respondent police.

For Petitioner : M/s.R.Thamarai Selvan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the offences under Sections 379, 430 of IPC and 21(1) Mines & Minerals (Development & Regulation) Act 1957 in Crime No.73 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of $\frac{1}{4}$ unit of river sand in Bullock cart.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner was involved in illegal transportation of $\frac{1}{4}$ unit of river sand in Bullock cart. He further submits that there are two previous cases pending against the petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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 No-I, Thiruvallur, 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 Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai-600 018. Account Name: SEVALA, A/c No.218601000134, ICICI Bank, Mylapore Branch, Chennai-600004, IFSC Code:ICIC0002186, 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.

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-sd/-
06/12/2021

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,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PULLARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SEVALAYA,
NO.F-2, PUSHKARANI APARTMENTS, 12 ANANDA ROAD,
ALWARPET, CHENNAI-600 018.
Account Name: SEVALA,
A/c No.218601000134, ICICI Bank,
Mylapore Branch, Chennai-600004,
IFSC Code:ICIC0002186

+1CC to M/S R.THAMARAI SELVAN Advocate on payment of necessary
charges SR.NO.14108

CRL OP.23325/2021

Date :06/12/2021

CSK 10/12/2021