



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

Crl.O.P.No.23642 of 2021

1. Anumanthan
2. Sivakumar

... Petitioners

Vs.

State Rep. by
The Sub-Inspector of Police
Vellvedu Police Station,
Thiruvallur District.
(Crime No.185 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C. praying to enlarge the petitioners on bail in the event of their arrest in Crime No.185 of 2021 on the file of the respondent police.

For Petitioners: Mr.E.Kannan

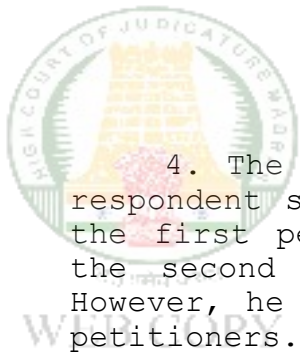
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 430, 379 of IPC r/w 36(A) Mines and Minerals Act in Crime No.185 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons had illegally transported 3 unit of river sand by using lorry,without any permission from the Government Authorities. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted 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 submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.20,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are 9 previous cases pending against the first petitioner and there is no previous case pending against the second petitioner and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there are 9 previous cases pending against the first petitioner. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed against the first petitioner and Considering the fact that there is no previous case pending against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Poonamallee, on condition that the second 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 second petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of 'The Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai - 600 018, A/C Name: SEVALAYA, A/C No. :218601000134, ICICI Bank, Mylapore Branch, Chennai - 600 004, IFSC Code : ICIC0002186, Phone No.: 9941450444'', within a period of two weeks from the date of receipt of copy of this order, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

[b] the second 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 second petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders.

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



[e] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-

08/12/2021

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.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
VELLAVEDU 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,
A/C NAME: SEVALAYA, A/C NO. :218601000134,
ICICI BANK, MYLAPORE BRANCH, CHENNAI - 600 004,
IFSC CODE : ICIC0002186, PHONE NO: 9941450444

CC to M/S.E.KANNAN Advocate on payment of necessary charges

CRL OP.23642/2021

Date :08/12/2021

RVR 17/12/2021