



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23575 of 2021

V. Manigandan

... Petitioner

Versus

State Rep by
The Sub Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District
(Crime No. 36 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.36 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 379, 430 of IPC R/W 21(5) of Mines & Minerals (Development & Regulation) Act, 1957 & 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.36 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner along with others illegally transported 3 units of River sand. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submits that the petitioner has involved in illegal transportation of 3 units of River sand. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the Sri Arunodhayam Charitable Trust at Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Authority for the treatment of Mentally retarded Children.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Principal District Sessions Court, Tiruvannamalai 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 the Sri Arunodhayam Charitable Trust at Chennai, Bank :HDFC bank, Account No: 50100196910687, IFSC Code : HDFC0004221 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 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].

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

-sd/-
07/12/2021

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 PRINCIPAL DISTRICT
SESSIONS COURT, TIRUVANNAMALAI.

2 THE SUB INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
TIRUVANAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SRI ARUNODHAYAM CHARITABLE TRUST
AT CHENNAI, BANK :HDFC BANK,
ACCOUNT NO: 50100196910687, IFSC CODE : HDFC0004221

CC to M/S B.JAWAHAR Advocate on payment of necessary charges

CRL OP.23575/2021

Date :07/12/2021

JPA 21/12/2021