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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23590 of 2021

Sankaran

... Petitioner

Versus

State represented by
The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.
(Crime No.184 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 his arrest in Crime No.184 of 2021 on the file of the Inspector of Police, Koothanallur Police Station, Tiruvarur District.

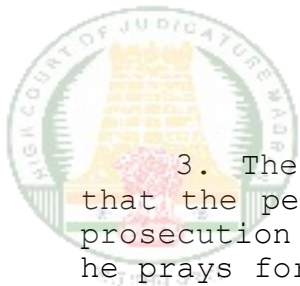
For Petitioner : Mr.N.Palanivel

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 IPC and Section 21(iv) of Mines and Minerals Act in Crime No.184 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant while patrolling at Manjavadi Vadakku Theru Riverbed one lorry viz. Ashok Leyland Tipper Lorry bearing Registration No.TN-48-K-1260 in which the petitioner illegally transported 1/2 unit river sand through his vehicle by his driver, who is arrayed as A1, the respondent police intercepted the vehicle and find out that without obtaining proper licence from the appropriate authority. The petitioner is arrayed as A2 who is the owner of the vehicle. Hence the complaint.



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.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner illegally transported 1/2 unit 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 No.II, Mannargudi**, 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 **Registered Advocate Clerk Association, Tiruvarur District** 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 anticipatory 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, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR.NO.14274

CRL OP.23590/2021

Date :08/12/2021

TA-14/12/2021