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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.23713 of 2021

1.Seenivasan ...Petitioners
2.Ramasamy @ Chinna Gounder

Versus

State represented by ... Respondent
The Inspector of Police,
Edapadi Police Station,
Salem District.
(Crime No.332 of 2019)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.332 of 2019 on the file of the respondent police.

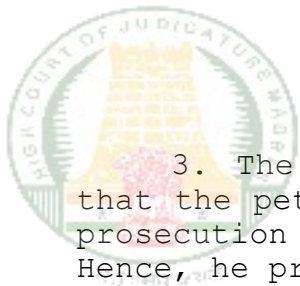
For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.332 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant with subordinate were routine checkup at nearby Kenganapuram to Edapadi, at the time one TATA 407 bearing registration No. TN-33-AP-1881 was came upon that place, on seeing the police officials and escaped from that place, after that the respondent police checkup the vehicle and searched inside, in was possession of 2 units of Pebbles Stones without valid bill to the authority. Thereafter the defacto complainant seized the vehicle with pebbles stones and FIR registered against the petitioners. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have 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 petitioners illegally transported 2 units of Pebbles Stones without permission and no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **(*)Judicial Magistrate, Sankagiri**, on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Madras High Court Advocate Clerks Welfare Association, Chennai 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 petitioners 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 petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

[*] Amended and Time is extended by a further period of two weeks to execute the sureties. as per order of this Court dated 20/12/2021 made in CRL.MP.NO.13702 OF 2021 in CRL.O.P.No.23713 OF 2021.

TO

**(*)THE JUDICIAL MAGISTRATE,
SANKAGIRI, SALEM DISTRICT.**

2 THE JUDICIAL MAGISTRATE,
NO.V, SANKAGIRI, SALEM DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EDAPADI POLICE STATION,
SALEM DISTRICT.



5 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.15193

CRL OP.23713/2021

Date :08/12/2021

TA-14/12/2021

TA-30/12/2021