



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23973 of 2021

P.Sudarvel

... Petitioner

Versus

The State represented by
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.533 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 pending investigation in the Crime No.533 of 2021 on the file of the Inspector of Police, Virudhachalam Police Station, Cuddalore District.

For Petitioner : Mr.M.Selvam

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 of IPC r/w 21(1) Mines and Minerals Development Regulation Act, 1957 in Crime No.533 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 16.11.2021 the defacto complainant is working as Sub Inspector of Police, Virudhachalam Police Station, Cuddalore District, he gave the complaint before the respondent police at the time the petitioner was carrying 3 unit of river sand in Tipper. 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.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner illegally transported 3 unit



of 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 - II, Vridhachalam, 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Anbagam Rehabilitation Centre (for the Mentally Ill Persons), Kulandaivel Nachammal Nagar, Thirunilai Village, Vichur, Ponneri Taluk, Thiruvallur District, Contact No.044-29013306, 9444009988 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.

WEB COPY

-sd/-

16/12/2021

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, VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ANBAGAM REHABILITATION CENTRE
(FOR THE MENTALLY ILL PERSONS),
KULANDAIVEL NACHAMMAL NAGAR,
THIRUNILAI VILLAGE, VICHUR,
PONNERI TALUK, THIRUVALLUR DISTRICT,
CONTACT NO.044-29013306, 9444009988

CC to M/S.M.SELVAM Advocate on payment of necessary charges
Sr.14947

CRL OP.23973/2021

Date :16/12/2021

RVR 21/12/2021