



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25429 of 2021

E.C.Balan

....Petitioner

Versus

State Rep by
The Inspector of Police,
Kundrathur Police Station, T-13,
Kancheepuram.
(Crime No.1346 of 2020)

...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.1346 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Fenn Walter Associates

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 379 of Indian Penal Code read with 21(1) of Mines & Minerals(D&R) Act,1957, in Crime No.1346 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported 2 unit of M-sand in his Lorry bearing registration No. TN-22-J-0342. Hence, the Law Enforcing Agency registered a case against the petitioner.

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 had illegally transported 2 unit of M-sand. Hence, he opposed for grant of 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 **District Munsiff Cum Judicial Magistrate, Sriperumbudur** 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 at Kancheepuram 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 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/-

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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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSEPCTOR OF POLICE,
KUNDRATHUR POLICE STATION, T-13,
KANCHEEPURAM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.T.FENN WALTER ASSOCIATES Advocate on payment of
necessary charges SR.NO.15546

CRL OP.25429/2021

Date :23/12/2021

TA-04/01/2022