



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24935 of 2021

1.Sivakumar
2.Kalaiarasan

...Petitioners

Versus

The State rep by
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime No.758 of 2021)

...Respondent

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.758 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Maheshkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (D & R) Act, 1957, in Crime No.758 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution that the petitioners along with other accused persons were found in illegal possession of 6 units of savudu sand, without any permission. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.30,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand Only), to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet without prejudice to their rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit report before the District Collector of Chengalpet.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sriperumbudur, on condition that the petitioners shall execute a separate 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 shall make non-refundable deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) by way of demand draft to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home, with monitoring the District Collector, within a period of two weeks from the date of receipt of copy of this order, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

[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 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/-
20/12/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE GOVERNMENT LEPROSY
REHABILITATION HOME,
PERANUR, CHENGALPET.

6 THE DISTRICT COLLECTOR,
CHENGALPET.

CC to M/S.G.MAHESH KUMAR Advocate on payment of necessary
charges

CRL OP.24935/2021

Date :20/12/2021

RW 30/12/2021