



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25139 of 2021

Sivanandhan

...Petitioner

Versus

The State of Tamilnadu represented by
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

...Respondent

(*) (Crime No.1283 of 2020)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in **(*) (Crime No.1283 of 2020)** on the file of the respondent police.

For Petitioner: Mr.N.Desinghu

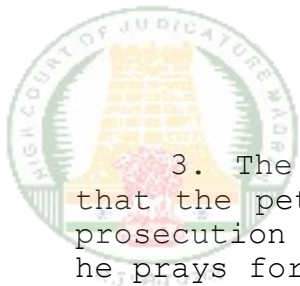
For Respondent: Mr.N.S.Suganthan
Government Advocate (Crl. Side)
Dated:22/12/2021

: MR.L.Baskaran, Govt. Advocate(CRL. SIDE)
CRL.MP.NO.1609/2022 IN CRL.OP.NO.25139/2021
Dated :28/02/2022

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC in **(*) (Crime No.1283 of 2020)**, seeks anticipatory bail.

2. The case of the prosecution is that on 29.08.2020 an official was made formal inspection in the petitioner Quarry (Blue Metals) and without permission he running quarry (Blue Metals) for using stones (jalli Karkal) hence the complainant made a false complaint. 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 Government Advocate (Crl. Side) appearing for the respondent submitted that 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 Court - II, Tindivanam*, 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 Registered Advocate Clerk Association, Pondicherry 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.

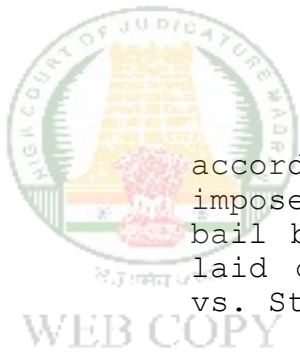
[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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/-

22/12/2021

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 as per order this court dated 28/02/2022 made in CRL.MP.NO.1609/2022 IN CRL.OP.NO.25139/2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TINDIVANAM, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
PUDUCHERRY.

+1CC to M/S.N.DESINGHU Advocate on payment of necessary charges
SR.No.3732/DATED:10/03/2022

CRL OP.25139/2021

Date :22/12/2021

TA-28/12/2021

CSK 08/03/2022