



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25543 of 2021

Sivakumar (Kumar)

... Petitioner

Versus

State represented by
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
(Crime No.1081 of 2020)

... 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 in the Crime No.1081 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 420 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.1081 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally removed the 1 unit of river sand and transport the same by Eicher Tractor for commercial purpose. Hence the respondent police registered a case against the petitioner. Hence the case.

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 removed the 1 unit of river sand and transported the same 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, Mayiladuthurai - 1*, 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, Mayavaram 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/-
23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE-I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
MAYAVARAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.T.SARAVANAN Advocate on payment of necessary
charges SR.NO.15573

CRL OP.25543/2021

Date :23/12/2021

CSK 04/01/2022