



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.101 of 2022

Sivanathan

... Petitioner

Versus

State Rep by  
The Inspector of Police,  
Kandilli Police Station,  
Thirupathur District.  
(Crime No.389 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.389 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

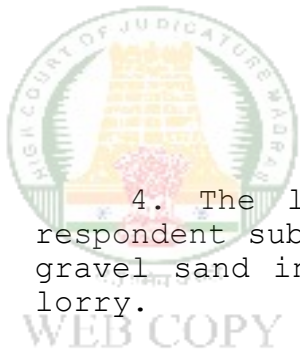
For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Section 379 & 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.389 of 2021 on the file of the respondent police seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported four units of gravel sand in tipper lorry. Hence the complaint.

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. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- to the credit of the Registered Advocate Clerk Association, Thirupathur District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has transported four units of gravel sand in tipper lorry and he is alleged to be the owner of the lorry.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court-II, Thirupathur 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.20,000/- (Rupees Twenty Thousand only) to the credit of the Registered Advocate Clerk Association, Thirupathur District, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 on every Tuesday 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 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/-

06/01/2022

WEB COPY

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 COURT-II,  
THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,  
VELLORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,  
KANDILLI POLICE STATION,  
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,  
THIRUPATHUR DISTRICT.

+1 CC to M/S R.PARTHIBAN Advocate on payment of necessary charges SR.NO.316

CRL OP.101/2022

Date :06/01/2022

INBA-11/01/2022