



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.203 of 2022

1. Thanasekaran
2. Silambarasan
3. Uthirasamy

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Deevattipatti P.S.,
Crime No.814 of 2021,
Kadayampatti,
Salem - 636 351.

... Respondent

Prayer: Criminal Original petition has been 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.814 of 2021 on the file of the Inspector of Police, Deevattipatti Police Station, Salem.

For Petitioners : Mr. N.R.S.Ganesan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

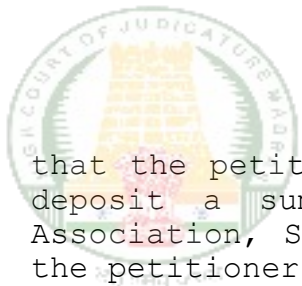
O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 21(1) of Mines and Minerals (Development and regulation) Act, 1957 and Section 379 of IPC, 1860 in Crime No.814 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that petitioners had transported clay in two tipper lorries bearing registration Nos:TN 30 BS 1444 and TN 30 BS 1555 without the permission of the Government. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and they have been falsely implicated in this case. The learned counsel, on instruction submit



that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- to the Registered Advocate Clerks Association, Salem. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners transported clay in two tipper lorries bearing without the permission of the Government. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Omalur, Salem, on condition that the petitioners 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 and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocates Clerks Association, Salem, 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 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 shall report before the respondent police on every Wednesday 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/01/2022

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,
OMALUR, SALEM.

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

3 THE INSPECTOR OF POLICE,
DEEVATTIPATTI P.S,
KADAYAMPATTI, SALEM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM.

+1 CC to M/S.G.ANUSUYA Advocate on payment of necessary charges
SR.NO.411

CRL OP.203/2022

Date :07/01/2022

INBA~20/01/2022