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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.126 of 2022

1.Bhavani
2.Ravi

... Petitioners

Versus

The State Represented by
The Inspector of Police,
Arani Taluk Police Station,
Arani, Tiruvannamalai District.
(Crime No.1132 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of apprehending arrest in the Cr.No.1132 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

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

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals Act 1957 in Cr.No.1132 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported ½ unit of river sand in mini lorry. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit 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.10,000/- in total to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor submits that petitioners are owner and driver of the lorry respectively, who have illegally transported ½ unit of river sand in mini 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 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 **Principal District and Sessions Court, Tiruvannamalai** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) in total** to the credit of **Madras High Court Advocate Clerks Welfare Association, Chennai**, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every Tuesday 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.

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-sd/-
06/01/2022

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 PRINCIPAL DISTRICT
AND SESSIONS COURT, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARANI TALUK POLICE STATION,
ARANI,
TIRUVANNAMALAI DISTRICT.

4 THE ADVOCATE CLERKS WELFARE ASSOCIATION,
HIGH COURT, CHENNAI.

+1 CC to M/S. B.JAWAHAR Advocate on payment of necessary charges SR.NO.443

CRL OP.126/2022

Date :06/01/2022

TA-11/01/2022