



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.327 of 2022

Manikandan

... Petitioner / Accused

Versus

State, represented by
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
(Crime No.382 of 2021)

... 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.382 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Machavatharan

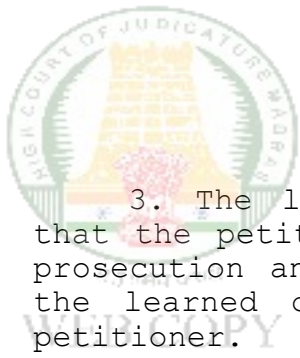
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC in Crime No.382 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 16.12.2021, at about 9.30 hrs while the defacto complainant and subordinate were attending prohibition duty near Brammadeasam, at that time, a lorry bearing registration No.TN23 AX 6671 was found in possession of 22.140 Kgs of Sakkaï Stone illegally without any valid permission. Hence this 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, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was found in possession of 22.140 Kgs of Sakka Stone illegally without any valid permission. Hence, the learned counsel 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 directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the *learned Judicial Magistrate No.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:

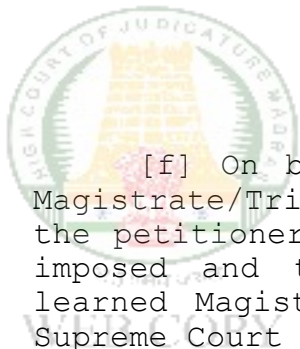
[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Tindivanam, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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.

7. With the above directions, this Criminal Original petition is ordered accordingly.

-sd/-

10/01/2022

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-II,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

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

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
TINDIVANAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M. MACHAVATHARAN Advocate on payment of necessary charges

CRL OP.327/2022

Date :10/01/2022

CSK 20/01/2022