



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.376 of 2022

Kulasekaran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vaniyambodi Town Police Station
Thiruppathur District
Crime No.738 of 2021

... Respondent

Prayer: Criminal Original petition has been filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.738 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of I.P.C., r/w. Section 21(1) of Mines and Minerals (Development and regulation) Act, 1957 in Crime No.738 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the Tractor bearing the registration No.TN-24-B-5280 and on 23.12.2021, the respondent police found that the said tractor carrying 2 units of river sand without valid bills and permit. Hence the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is innocent and he has been falsely implicated in this case. 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.15,000/- to the Registered Advocate Clerk Association, Tiruppathur Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner had illegally transported 2 units of river sand 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 petitioner.

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 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 District Munsif Cum Judicial Magistrate, Vaniyambodi , 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 and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) through demand draft to the Registered Advocates Clerks Association, Thirupathur, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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 petitioner shall report before the respondent police on every Wednesday 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]; and;

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

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE VANIYAMBODI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VANIYAMBODI TOWN POLICE STATION,
THIRUPPATHUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, THIRUPATHUR.

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

CRL OP.376/2022

Date :10/01/2022

JPA 27/01/2022