



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.297 of 2022

K.Silambarasan @ Periandavar

... Petitioner

Versus

The State represented by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
(Crime No.1098 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 respect of Crime No.1098 of 2021 on the file of the Inspector of Police, Chetpet Police Station, Thiruvannamalai District, pending investigation.

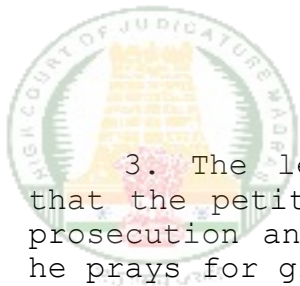
For Petitioner : Mr.S.B.Viswanathan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 and 430 of IPC read with 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of the Tamilnadu Public Properties (Prevention of Damages and Loss) Act in Crime No.1098 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that 31.12.2021 the respondent along with other police were patrolling at Ramapuram Koot Road and inspected the Tata 407 Van and found that the person driving that van was smuggling 1 unit of river sand. When the respondent tried to catch the said person he ran away from the scene of occurrence leaving the van and on enquiry the respondent came to know that it was this petitioner who committed the offence. 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 has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner seized 1 unit of river sand, no previous case pending against the petitioner. However, he 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Principal District and Sessions Court, Thiruvannamalai, 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 Amalarakkaini Education, Economic and Social Development Society, Amalivanam, Susai Nagar - PO, Polur - Tk, Thiruvannamalai District, Contact No.04173-247931, 9443485497 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.

-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 PRINCIPAL DISTRICT AND
SESSIONS COURT, THIRUVANNAMALAI

2 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE AMALARAKKAINI EDUCATION,
ECONOMIC AND SOCIAL DEVELOPMENT SOCIETY,
AMALIVANAM, SUSAI NAGAR - PO, POLUR - TK,
THIRUVANNAMALAI DISTRICT,
CONTACT NO.04173-247931, 9443485497

+1 CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary
charges SR.NO.434

CRL OP.297/2022

Date :07/01/2022

JPA 12/01/2022