



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.992 of 2022

1.R.Kulla @ Kalaivanan
2.V.Simon Samuvel
3.Kamalakannan
4.Jayakanth

.. Petitioners

Vs.

The State represented by
The Inspector of Police
Padalam Police Station,
Chengalpattu District.
(Crime No.219 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of their arrest in Cr.No.219 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Magesh Kumar

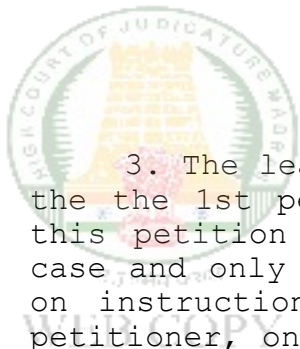
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 379, 430, 506 Party II of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation Act) 1957 and Section 3(1) of TNPPD & L Act, in Crime No.219 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 21.05.2021, when the respondent police were on the regular checking of vehicles, they found that the petitioners have illegally transported 3 units of river sand by using Lorry bearing number TN-19AH-2401 without any valid licence. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the the 1st petitioner was already arrested and nothing survives in this petition and the petitioners 3 and 4 are not accused in this case and only the 2nd petitioner is involved in this case. However, on instructions, the learned counsel further submits that the 2nd petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the 2nd petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the 2nd petitioner by stating that the 2nd petitioner has illegally transported 3 units of river sand by using Lorry bearing number TN-19AH-2401 without any valid licence.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the 2nd petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

6. Accordingly, the 2nd 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 Judicial Magistrate, No.I, Chengalpattu*, on condition that the 2nd 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 2nd petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Chengalpattu, 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 2nd petitioner 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 2nd petitioner shall report before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for an interrogation;



[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the 2nd 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 2nd petitioner in accordance with law as if the conditions has been imposed and the petitioners are 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/-

19/01/2022

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, NO.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, CHENGALPATTU.

+1CC to M/S. G.MAGESH KUMAR Advocate on payment of necessary
charges SR.No.817

CRL OP.992/2022

Date :19/01/2022

CSK 25/01/2022