



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No. 738 of 2022

1. Devendiran
2. Muthusamy

.. Petitioners

Versus

The State Represented by;
The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
(Cr.No. 513 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No. 513 of 2021 on the file of the respondent police.

For Petitioners : Mr.V. Illanchezian

For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s 379 of IPC read with section 21(1) of Mines and Minerals [Development and Regulation] Act, 1957 in Crime No.513 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found illegal possession of 30 units of Oodai sand dumped in the petitioners' land. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are an 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/- each to the Registered Advocate Clerks' Association, Ariyalur



District. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the quantity of sand involved is 30 units of Oodai Sand dumped in the petitioners' land. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.10,000/- each (Rupees Ten Thousand Only), to the credit of the Registered Advocate Clerks' Association, Ariyalur District, without prejudice to their rights.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7. Considering the period of incarceration undergone by the petitioners and also the fact that investigation is completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Jayankondam, and on further condition that:

(a) the petitioners are directed to deposit a sum of Rs.10,000/- each (Rupees Ten Thousand Only) to the credit of the Registered Advocate clerks' Association, Ariyalur District, within a period of two weeks from the date of receipt of copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Judicial Magistrate-II, Ariyalur District, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the petitioners shall report before the respondent police on every Wednesday 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.;

-sd/-

12/01/2022

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.II,
JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
UDAYARPALAYAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK
ASSOCIATION, ARIYALUR.

CC to V.ILLANCHEZIAN Advocate on payment of necessary charges

CRL OP.738/2022

Date :12/01/2022

INBA~21/01/2022