



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.819 of 2022

1.S.Prabhu

2.M.Subramani

... Petitioners

Vs.

The State represented by  
The Inspector of Police  
Jamunamarathur Police Station,  
Thiruvannamalai District.  
(Crime No.5 of 2022)

... 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.5 of 2022 pending investigation on the file of  
the respondent police.

For Petitioner : Mr.S.B.Viswanathan

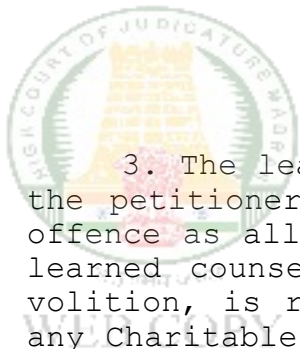
For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

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  
379 and 430 of IPC and 21(1) of Mines and Minerals (Development and  
Regulation Act, 1957, in Crime No.5 of 2022, on the file of the  
respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 05.01.2022, when the  
respondent police were on the regular checking of vehicles, they  
found that the petitioners have illegally transported 1 unit of river  
sand by using Tractor without any valid licence. Hence the  
complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners, on their 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 petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the petitioners have illegally transported 1 unit of river sand by using Power Track Euro 50, bearing registration No.TN-25-AH-1099 with Tipper 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 petitioner has willfully and on their own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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's Court, Polur, 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Thiruvannamalai 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 petitioners 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 petitioners 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 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 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,  
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
JAMUNAMARATHUR POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE,  
CLERKS ASSOCIATION, THIRUVANNAMALAI.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary  
charges SR.NO.750

CRL OP.819/2022

Date :19/01/2022

JPA 24/01/2022