



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1717 of 2022

Kathirvel

.. Petitioner

Vs.

The State Rep. by
Inspector of Police,
Koradachery Police Station,
Tiruvarur District,
Crime No.27 of 2022

.. Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant an Anticipatory Bail to the petitioner in the event of his arrest or his appearance before any court in connection with the case in Crime No.27 of 2022 pending investigation on the file of the respondent police herein.

For Petitioner : Mr.D.Lakshmipathy

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 Section 430 and 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.27 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 19.01.2022, when the defacto complainant and his officials were in routine checkup near Koradachery vetrattupalam, they found that the petitioner along with other accused had illegally transported 2½ units river sand in his lorry bearing Reg.No. TN 28 F 7322 without having any valid permission. 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. However, on instructions, the learned counsel further submits that



the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner. Hence, he prays for grant of anticipatory bail.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is 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, and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 Judicial Magistrate, Thiruvarur, 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 are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Registered Advocate Clerk Association, Thiruvarur 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 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/-

27/01/2022

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
THIRUVARUR.

CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges

CRL OP.1717/2022

Date :27/01/2022

CSK 07/02/2022