



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2050 of 2022

1.Mr.Manivannan
2.Mr.Ragu
3.Mr.Thirumalai

... Petitioners

Vs.

The State rep. By,
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Crime No.33 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in the hands of respondent in Crime No.33/2022 pending investigation on the file of the respondent police.

For Petitioners : M/s.A.Saranraj

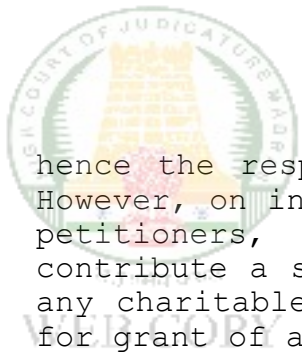
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offences under Section 379 and 430 of I.P.C, R/w Section 21(1) on Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.33 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have illegally transported two units of lake sand (Morappu Sand) in Tipper Lorry bearing Registration No. TN 20 AE 3956. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any such offences as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the 1st petitioner is the owner of the lorry,



hence the respondent police added the petitioners name in the case. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 submitted and objected that the 1st petitioner having three previous case and he would further submits that the petitioners are transported 2 units of river sand illegally in Tipper Lorry. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, and also the fact that the petitioners have wilfully and on their own volition agreed to contribute a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) of which Rs.15,000/- directed to be paid by 1st petitioner, Rs.5,000/- is directed to be paid by 2nd petitioner and Rs.5,000/- is directed to be paid by the 3rd petitioner for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the Criminal Original petition is allowed. The petitioners are ordered to be released on bail in the event of arrest or on their 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 Court , Cheyyar, Thiruvannamalai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, 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 conditions that:

(a) the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch.

[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 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-
01/02/2022

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.

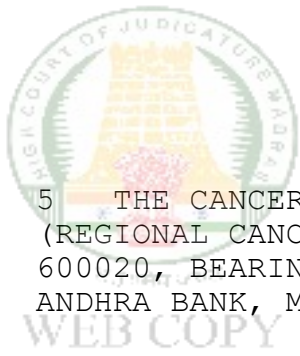
TO

1 THE JUDICIAL MAGISTRATE COURT,
CHEYYAR.

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

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

4 THE ADDITIONAL PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



5 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR, CHENNAI -
600020, BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH.

CC to M/S A.SARANRAJ Advocate on payment of necessary charges

CRL OP.2050/2022

Date :01/02/2022

INBA~09/02/2022