



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.2112 of 2022

S.Radha

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No.1210 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to grant Anticipatory Bail to the petitioner in the event of arrest in connection with Crime No.1210 of 2021 pending investigation on the file of respondent police.

For Petitioner : M/s.R.Jayaprakash

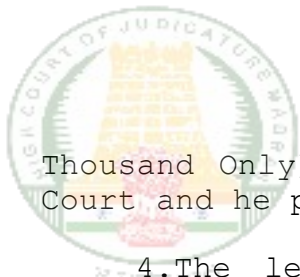
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 379 of Indian Penal Code 1860 and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.1210 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of 6 units of Red sand by using Bharath Benz Tipper Lorry Bearing No.TN 49 CA 1728 without obtaining proper license. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner's arrest is only to harass the petitioner. 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.25000/- (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 petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted and objected that the petitioner has illegally transported the red sand. Therefore, 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 both counsel, and also the fact that the petitioner has wilfully and on his own volition agreed to contribute a sum of Rs.25000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the Criminal Original petition is allowed. The petitioner is 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 Thiruthuraipoondi, 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 conditions that:

[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Registered Advocate Clerk's Association, Pudukottai District 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

[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 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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
PUDUKOTTAI DISTRICT.

+1CC to M/S R.JAYAPRAKASH Advocate on payment of necessary charges SR.No.1614

CRL OP.2112/2022

Date :01/02/2022

CSK 09/02/2022