



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2251 of 2022

1.Elangovan
2.Sivakumar

... Petitioners

Vs.

State represented by
The Inspector of Police,
Oomangalam Police Station,
Cuddalore District.
(Crime No.72/2022)

... 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 his arrest in Crime No.72/2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Vijayakumar

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 188, 269, 379 and 430 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.72/2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 23.01.2022, when the respondent police were on the regular patrol duty at their jurisdiction, they found that the petitioners had illegally transported 4½ units of red gravel sand by using Farmtract Tractor Tipper and Mahindra Tractor Tipper without any valid licence. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons 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, are 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 had illegally transported 4½ units of red gravel sand by using Farmtract Tractor Tipper and Mahindra Tractor 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 petitioners have 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 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 District Munsif-cum-Judicial Magistrate, Neyveli, on condition that each of 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] each of the petitioners are directed to deposit a sum of Rs.10,000/- (Totally Rupees twenty thousand only) to the registered Advocate clerk Association, Neyveli, 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 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 daily at 10.30 a.m for a period of four weeks and thereafter as and when required for an 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/-
02/02/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
OOMANGALAM POLICE STATION
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, NEYVELI.

+1 CC to K.VIJAYAKUMAR Advocate on payment of necessary charges
SR.NO.1916

CRL OP.2251/2022

Date :02/02/2022

JPA 10/02/2022