



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2544 of 2022

1.Saravanan
2.Hariharan

... Petitioners

Versus

State represented by
The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.
(Crime No.67 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.67 of 2019 on the file of the respondent police.

For Petitioners : Mr.Rajesh Kanna for M.Manivelan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of IPC in Crime No.67 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police were at their work of patrol duty at the time the respondent police saw a lorry was filled with river sand, the lorry driver and another person in lorry stopped the vehicle before 100 meters and runaway from the vehicle, the respondent police searched the vehicle they found 3 unit of river sand in a lorry without any valid license. Hence this case.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners seized 3 unit of river sand in a lorry without any valid license and 2 previous cases pending against the 1st petitioner and 7 previous cases pending against the 2nd petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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, Arakkonam, on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) [each Rs.20,000/-] to the credit of the Registered Advocate Clerk Association, Vellore District within a period of two weeks from the date of receipt of a copy of this order 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners are directed to report before the respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders;

[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 have been imposed and the petitioners 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/-

03/02/2022

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ARRAKONAM TALUK POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, VELLORE.

+1 CC to M.MANIVELAN Advocate on payment of necessary charges
SR.NO.2010

CRL OP.2544/2022

Date :03/02/2022

JPA 09/02/2022