



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2589 of 2022

1. Yuvaraja @ Uvaraj
2. Manikandan

... Petitioners

Versus

State Rep by
The Inspector of Police,
Kunnam Police Station,
Perambalur District.
(Crime No.31 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.31 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.R.Elavarasan

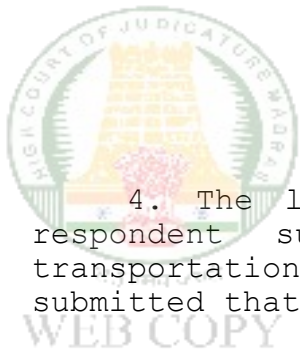
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 379 of IPC in Crime No.31 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners were found in illegal transportation of one unit of gravel sand in two tractor. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- in total to the credit of the Registered Advocate Clerk Association, Ariyalur District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that petitioners were found in illegal transportation of one unit of gravel sand in two tractor. He further submitted that the petitioners are owner and driver of the vehicle.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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, Kunnam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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.10,000/- (Rupees Ten Thousand Only) in total to the credit of the Registered Advocate Clerk Association, Ariyalur District, 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 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 Wednesday 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 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/-

04/02/2022

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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,
KUNNAM.

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

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
ARIYALUR DISTRICT.

+1 CC to M/S.M.R.ELAVARASAN Advocate on payment of necessary charges SR.NO.2101

CRL OP.2589/2022

Date :04/02/2022

INBA~09/02/2022