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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

CrI.O.P.No.2548 of 2022

Duraisamy

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Mangundamchavadi Police Station,
Salem District.
(Crime No.140 of 2021)

..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.140 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Ganesam

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation Act), 1957, in Crime No.140 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.03.2021, when the respondent police were on the regular patrol duty at their jurisdiction, they found that the petitioner had illegally transported 3 units of gravel sand by using Lorry, without any valid licence. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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.10,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner had illegally transported 3 units of river sand by using lorry, without any valid licence and there are three previous cases pending against this petitioner.

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 petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 No.II, Sankari, 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 condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the registered Advocate clerk Association, Salem, 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/-

03/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SANKARI, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MAGUNDAMCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, SALEM.

CC to T.GANESAN Advocate on payment of necessary charges

CRL OP.2548/2022

Date :03/02/2022

RW 14/02/2022