



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2433 of 2022

1.Venkatesan
2.Viswanathan

.. Petitioners

Vs.

State represented by
The Sub Inspector of Police,
Vellore Taluk Police Station,
Vellore, Vellore District.
(Crime No.22 of 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
their arrest in Crime No.22 of 2022 pending investigation on the file
of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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

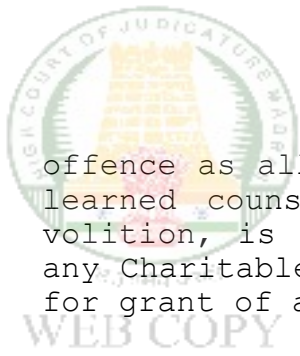
ORDER

(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
379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation
Act), 1957, in Crime No.22 of 2022, on the file of the respondent
police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent
police were on the regular patrol duty at their jurisdiction, they
found that the petitioners have illegally transported 1 unit of river
sand by using vehicle, without any valid licence. Hence the
complaint.

3. The learned counsel appearing for the petitioners submits that
the petitioners are innocent person and they have not committed any



offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on their 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.

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 1 unit of river sand by using vehicle, 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 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.I, Vellore District, 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 petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) (each) to the registered Advocate clerk Association, Vellore 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners 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 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 has been imposed and the petitioners are 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE-I,
VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 SUB INSPECTOR OF POLICE
VELLORE TALUK POLICE STATION,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
VELLORE DISTRICT.

+1CC to M/S M.R.THANGAVEL Advocate on payment of necessary charges SR.No.1852

CRL OP.2433/2022

Date :03/02/2022

CSK 15/02/2022