



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.2651 of 2022

1. Periyannan
2. Mahendiran

... Petitioners

Vs.

The Inspector of Police,
Mechery Police Station,
Mechery,
Salem District.
Crime No.10 of 2022

... Respondent

Prayer: Criminal Original petition has been filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with in Crime No.10 of 2022 on the file of the Inspector of Police, Mechery Police Station, Mechery, Salem District..

For Petitioners : Mr.R.Prabudoss

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 & 511 of I.P.C., r/w Section 21(i) of Mines and Minerals Act, in Crime No.10 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have allegedly attempted to transport sand without valid license. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and they have been falsely implicated in this case. 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.5,000/- to the Registered Advocate Clerk Association, Salem. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners have illegally transported 1/2 unit of river sand without the valid license. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the investigation is almost completed, 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 Judicial Magistrate No.II, Mettur, Salem District, 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 and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Registered Advocates Clerks Association, Salem, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b) 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 shall report before the respondent police on every Tuesday 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
04/02/2022

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 NO.II,
METTUR, SALEM.

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

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
SALEM.

CC to M/S. R.PRABUDOSS Advocate on payment of necessary charges

CRL OP.2651/2022

Date :04/02/2022

INBA~10/02/2022