



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.2741 of 2022

1 M.L.DURAI
2 TAMILSELVAN

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.
(*) (CRIME NO.33 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.JAYACHANDRAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)
DATED:07/02/2022

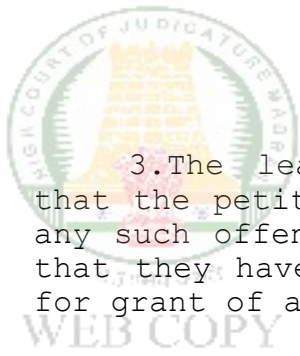
: MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side)
DATED:24/03/2022
[CRL.MP.NO.3510/2022 IN CRL.OP.NO.2741/2022]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under section 379 of I.P.C (Rough Stone theft), in **(*)CRIME NO.33 OF 2022**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.01.2022 at about 10.00 p.m., when the Asistant Engineer of Mines and Minerals Department had conducted a regular ride at Munkelpudur road, they found that the petitioners were involved in illegal transportation of 1 unit of Rough stone in the lorry bearing Reg.No.TN-11-AP-6636 without any valid license and Government permission. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that the petitioners are owner and driver of the lorry. He further submitted that the property involved has been recovered and the same is under the custody of the respondent police. He also submitted that there is no previous cases pending against the petitioners and also investigation almost completed. However, he opposed grant of anticipatory bail to the petitioners.

5. In view of the above submissions made by the learned Counsels appearing for either sides and also considering that the property involved has been recovered and hence custodial interrogation may not be necessary, this Court is inclined to grant anticipatory bail to the petitioners.

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 days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate Court No.2, Krishnagiri 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 and the sureties shall affix his 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;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e) 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;



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

-sd/-
07/02/2022

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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.

(*)Amended as per order of this Court dated 24/03/2022 made in CRL.MP.NO.3510/2022 IN CRL.OP.NO.2741/2022.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.2,
KRISHNAGIRI.

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

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.4489

CRL OP.2741/2022

Date :07/02/2022

INBA~14/02/2022

CSK 01/04/2022