



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

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN  
CRIMINAL ORIGINAL PETITION No.3001 of 2022

S.RAJENDRAN

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
THIRUMANUR POLICE STATION,  
ARIYALUR.  
(CRIME NO. 24/2022)

[ RESPONDENT ]

For Petitioner : M/S. N.ELAYARAJA Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 379 of IPC and section 21(1) of Mines & Minerals (DEVELOPMENT & REGULATION) Act, 1957 in Crime No.24 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the relevant point of time, the petitioner illegally transported red soil in his Tipper lorry bearing Reg.No.TN 21 AL 7894. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that vide order dated 28.01.2022, the Assistant Director of Mines and Minerals in S.No.119, granted licence to M/s.Patel Infrastructure Limited. Wherein, lorry bearing Reg.No.TN-21-AL-7894 was permitted to take red soil. He further submit that after issuing the licence, the respondent police registered a case against the owner of the said vehicle. According to him, the registration of case itself is not maintainable. Hence, he prays for grant of anticipatory bail to the petitioners.



4.Per Contra, The learned Government Advocate (Criminal Side) appearing for the respondent raised objection stating that investigation is pending.

5.Submissions made by the the learned Counsels appearing on either sides are considered and perused the copy of license produced by the petitioner counsel.

6.Taking all aspects into consideration and on perusal of the copy of license produced by the petitioner discloses the fact that Assistant Director, Mines and Minerals Department, Ariyalur District permitted the lorry bearing registration No.TN-21-AL-7894 for taking red soil from 24.09.2021 to 23.08.2022. Further, it is clear that after issuing the above said license, the present case has been registered.

7.Therefore, considering the fact that registering the case itself is questionable, this Court inclined to grant bail to the petitioners.

8.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-II, Ariyalur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

WEB COPY

-sd/-

09/02/2022

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, ARIYALUR

2 THE CHIEF JUDICIAL MAGISTRATE  
ARIYALUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
THIRUMANUR POLICE STATION,  
ARIYALUR.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. N.ELAYARAJA Advocate on payment of necessary charges  
Sr.2152

CRL OP.3001/2022

Date :09/02/2022

RVR 16/02/2022