



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.3090 of 2022

1 RAVICHANDIRAN
2 VIJAYAKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
KALLAKURICHY DISTRICT.
CRIME NO.45 OF 2022.

[RESPONDENT]

For Petitioners : M/S.P.THAMIZHENDHI Advocate

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

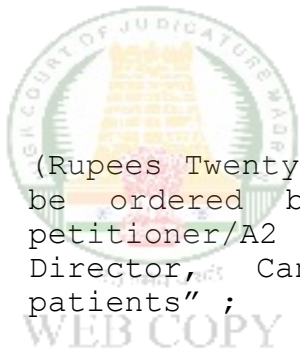
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of Indian Penal Code, in Crime No.45 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.01.2022, when the respondent police on a regular check up, intercepted a lorry bearing Reg.No.TN-28-AL-2338, they found that the petitioners were involved in illegal transportation of 3 units of Crawals (Semman) without any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submit that the petitioner/Accused No.2, on his own volition, is ready and willing to contribute a sum of Rs.25,000/-



(Rupees Twenty Five Thousand only) for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner/A2 submit that a sum of Rs.25,000/- be given to "The Director, Cancer Institute(WIA), Adayar for treating Cancer patients" ;

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no case has been registered against the first petitioner. In respect of the second petitioner, he is the owner of the lorry and he had illegally transported 3 units of savudu manal. The material object which was used for committing the offence has been recovered and the same is in the custody of the police. He further submits that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the submissions made by the learned Counsels on either sides and considering the fact that as against the first petitioner, no case has been registered, this Criminal Original Petition is dismissed for as regard to the first petitioner.

6. In respect of the second petitioner, it is the case of the prosecution during the relevant point of time, being the owner of the lorry, transported 3 units of river sand. As of now, the material objects which are necessary for completing the investigation have been recovered. Therefore, custodial interrogation may not be necessary for investigation for this case and further, the second petitioner on his own volition is ready and willing to contribute a sum of Rs.25,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Ulundurpetai on condition that the petitioner 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the second petitioner on his own volition, he shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) through demand draft in favour of "The Director, Cancer Institute(WIA), Adayar for treating Cancer patients under necessary acknowledgment. The above contribution is made



without prejudice to their defence before the trial court and the petitioner shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) the second 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;

(d) the second petitioner shall report before the respondent police daily at 10.00 a.m., for a period of thirty(30) days and thereafter as and when required.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(g) 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;

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

-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.I, ULUNDURPETAI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
KALLAKURICHY DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR,
CANCER INSTITUTE (WIA), ADAYAR

+1 CC to M/S.P.THAMIZHENDHI Advocate on payment of necessary
charges SR.NO.2149

CRL OP.3090/2022

Date :09/02/2022

JPA 16/02/2022