



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3782 of 2022

UTHIRAPATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR,
CRIME NO. 112/21021

For Petitioner : M/S R.SUBRAMANIYAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC r/w. section 21(1) of Mines and Minerals (D &R) Act, 1957, in Crime No.112 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.02.2021 at about 5.45 p.m., the petitioner was found in illegal transportation of 3 bags of river sand in TVS XL Two wheeler without valid permission. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the property 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. In view of the fact that the property used for transporting the river sand has been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the 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 No.I, Jayamkondam 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) the 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty(30) days and thereafter as and when required for interrogation.

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

(e) the petitioner 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 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;



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

WEB COPY

-sd/-
16/02/2022

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, JAYAMKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.SUBRAMANIYAN Advocate on payment of necessary charges SR.NO. 2445

CRL OP.3782/2022

Date :16/02/2022

RW 21/02/2022