



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3918 of 2022

1 ARIVAZHAGAN [PETITIONERS / ACCUSED]
2 RAJENDIRAN
3 SATHISHKUMAR
4 PANNEERSELVAM

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.893/2020.

For Petitioner : M/S. R.SIVARAMAN Advocate

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

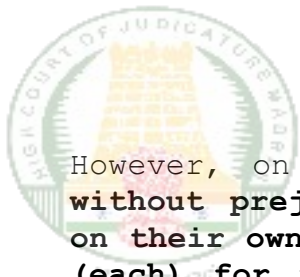
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections **21(1) of Mines and Minerals (Development & Regulation) Act, 1957 r/w 379 of IPC**, in Crime No.893 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during the regular patrol on 05.10.2020, the Village Administrative Officer along with respondent police found that the petitioners were involved in illegal transportation of river sand by using bullock carts without any valid permission from the concerned authority. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



However, on instructions, the learned counsel further submits that **without prejudice to their defence and contentions, the petitioners on their own volition, are willing to contribute a sum of Rs.10,000/- (each) for the purpose of improving and maintaining the Government Schools.** Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submit that the property which was used for the commission of offence has been recovered and the same is in the custody of the police. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsel on either side are considered.

6. Being the reason the property which was used in the commission of offence as well as the property which was transported was already been recovered, custodial interrogation of the petitioners may not be necessary and also considering the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of **Rs.10,000/- (each)** for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.I, Jayankondam**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each), 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 petitioners 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 petitioners shall make a non-refundable deposit of **Rs.10,000/- (each)** to the credit of " **The Chief Educational Officer, Ariyalur District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their defence before the trial court and 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 petitioners ;**



(c) the petitioners 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;

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(d) the petitioners 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 for interrogation.

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

24/02/2022

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, JAYANKONDAM, ARIYALUR DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
ARIYALUR DISTRICT.

+1 CC to M/S. R.SIVARAMAN Advocate on payment of necessary
charges SR.NO.2928

CRL OP.3918/2022

Date :24/02/2022

TA-02/03/2022