



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4006 of 2022

SERAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVENKADU POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.310 OF 2020

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

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

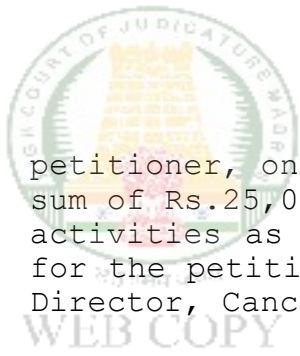
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.310 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.07.2020, when the Assistant Director of Mines and Minerals Department was in regular patrol, she found that the petitioner was involved in illegal transportation of removing mud sand. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submit that the



petitioner, 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 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 submitted 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 petitioner.

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

6. In view of the fact that the property used for transporting the sand has been recovered and further, the 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 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, Sirkzahi, 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 petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.25,000/- 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 his 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 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 10.00 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.

-sd/-
18/02/2022

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,
SIRKZAH I.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUVENKADU POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DIRECTOR
CANCER INSTITUTE (WIA),
ADAYAR, CHENNAI.

WEB COPY

+1 CC to M/S.E.KANNADASAN
charges SR.NO.2615

Advocate on payment of necessary

CRL OP.4006/2022

Date :18/02/2022

JPA 24/02/2022