



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.4065 of 2022

MURALI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.46/2021.

For Petitioner : M/S. S.L.VENKATESAN 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 offence punishable under Section 379 of IPC in Crime No.46 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.03.2021, the petitioner was found in illegal possession of 1 unit of river sand in Magendira Tractor bearing Reg. No.TN 24 AM 3719 without valid license. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. However, on instruction, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of



Rs.5,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submits that a sum of **Rs.5,000/-** be given to "**Madras High Court Advocate Clerks Welfare Association**".

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the property which was used for commission of offence has been recovered and the same is in the custody of the police. He further submits that there is no previous cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Submissions made by the learned counsel on either side are considered.

6. In view of the fact that the property used for transporting the river sand has been recovered and further, the petitioner on his own volition, is ready and willing to contribute a sum of **Rs.5,000/-** 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 **Special District Judge and Principal District Sessions Judge, Krishnagiri** 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;

(a) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/-** (**Rupees Five Thousand Only**) through demand draft to the **Madras High Court Advocate Clerks Welfare Association**. 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;

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

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

(f) the petitioner 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/-

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 SPECIAL DISTRICT
JUDGE AND PRINCIPAL
DISTRICT SESSIONS JUDGE, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.



4 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S. S.L.VENKATESAN Advocate on payment of necessary
charges SR.NO.2581

CRL OP.4065/2022

Date :18/02/2022

TA-22/02/2022