



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4147 of 2022

1 P.PONNUSAMY
2 SURESH @ MAHALINGAM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.35 OF 2022)

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN 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 Section 379 of IPC r/w Section 21(1), 21(2), 21(4) and 21(6) of the Tamilnadu Mines and Minerals (Development & Regulation) Act 1957, in Crime No.35 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.02.2022, when the respondent police was in regular patrol, they found that the petitioners were involved in illegal transportation of 1 unit of gravel sand 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 submit that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.30,000/-[Rupees Thirty Thousand Only(For A1-



Rs.25,000/- and For A2-Rs.5,000/-)] for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioners submits that a sum of Rs.30,000/- 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 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.

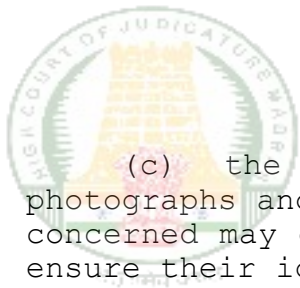
5. The submissions made by the learned counsel on either side are considered.

6. Being the reason the property which was used in the commission of offence as well 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 on their own volition, are ready and willing to contribute a sum of Rs.30,000/- (For A1-Rs.25,000/- and For A2-Rs.5,000/-) for the purpose of welfare activities, 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 Court, Paapireddipatti, Dharmapuri District on condition that the petitioners shall execute separate bonds 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) as undertaken by the petitioners on their own volition, the petitioners shall make a non refundable deposit of Rs.30,000/- (For A1-Rs.25,000/- and For A2-Rs.5,000/-) 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 their defence before the trial court and the petitioners 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 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.

-sd/-

21/02/2022

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,
PAAPIREDDIPATTI, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

+1CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.No.2712

CRL OP.4147/2022

Date :21/02/2022

CSK 25/02/2022