



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4263 of 2022

1 R.PRAKESH [PETITIONERS / ACCUSED]
2 P.SUNDARAPANDIYAN @ SUNDARAMOORTHY

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUMANUR POLICE STATION,
ARIYALUR DISTRICT.
(CRIME NO.32 OF 2022)

For Petitioner : M/S.R.JAYAPRAKASH Advocate

For Respondent : M/S.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 offence punishable under Section 379 of IPC 1860 and Section 21(1)(a)(b) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.32 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 06.02.2022, the petitioners were illegally transported 1/2 unit lake (vari) sand in Tractor bearing Registration No.TN 73 V 3026 without valid license. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. However, on



instruction, the learned counsel further submits that the 1st petitioner on his own volition, is ready and willing to contribute a sum of Rs.5,000/- and the 2nd petitioner is ready and willing to contribute a sum of Rs.25,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submitted that the 1st petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- and the 2nd petitioner is ready and willing to contribute 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 submits that the property which was used for commission of offence in the alleged occurrence 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 petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

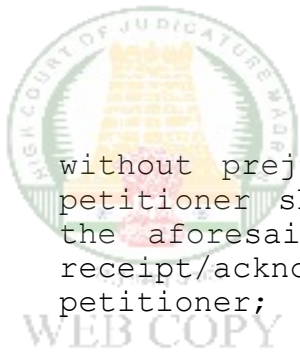
5. Submissions made by the counsel on either side are considered.

6. In view of the fact that the property which was used for commission of offence and the property which was transported are all recovered and further, the 1st petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- and the 2nd petitioner 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 petitioners.

7.Accordingly, the petitioners are 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 Judicial Magistrate No.II, Ariyalur 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) as undertaken by the 1st petitioner, on his own volition, shall make a non refundable deposit of Rs.5,000/- and the 2nd petitioner, on his own volition, 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 their 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 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;

(d) the petitioners 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 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 petitioner in accordance with law as if the conditions have been imposed and the petitioners 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/-

22/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

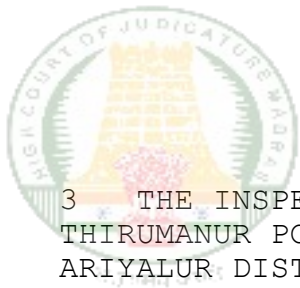
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
THIRUMANUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO. 2760

CRL OP.4263/2022

Date :22/02/2022

RW 25/02/2022