



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION Nos.4418 & 4420 of 2022

V.VIGNESH

[PETITIONER / ACCUSED
IN CRL.OP.No.4418/2022]

S.PRAVIN

[PETITIONER / ACCUSED
IN CRL.OP.No.4420/2022]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.
(CRIME NO.66 OF 2022)

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.F.WELLINGTON Advocate
[IN BOTH THE PETITIONS]

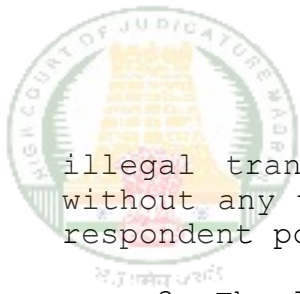
For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in both petitions, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 & 430 of IPC in Crime No.66 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the Village Administrative Officer, Ambur, and his subordinates were on routine vehicle check up, they found that the petitioners were involved in



illegal transportation of one unit of river sand in two wheelers, without any valid permission from the concerned authority. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submits 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 the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submit that a sum of Rs.10,000/- be given to "The Chief Justice Relief Fund, Madras High Court".

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he fairly admits that the property which was used for commission of offence has been recovered and the same is in the custody of the police.

5. Being the reason the property, which was used in the commission of offence as well as the property which was transported have 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.10,000/- each for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Ambur, on condition that each of the petitioners 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 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, each of the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft in favour of "The Chief Justice Relief Fund, Madras High Court", under necessary acknowledgement. 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 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;

(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/02/2022

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF JUSTICE RELIEF
FUND, MADRAS HIGH COURT, CHENNAI.

6 THE SECTION OFFICER,
ACCOUNT SECTION,
CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS.

CC to M/S.F.WELLINGTON Advocate on payment of necessary charges

CRL OP.NOS.4418 & 4420/2022

Date :23/02/2022

RW 01/03/2022