



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4635 of 2022

KAVITHA SHENBAGAM

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NADUVATTAM POLICE STATION,
NADUVATTAM,
UDHAGAMANDALAM TALUK,
NILAGIRI DISTRICT.
CR.NO.20 OF 2021.

[RESPONDENT]

For Petitioner : M/S. R.SANKARASUBBU Advocate

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

PETITION FOR ANTICIPATORY BAIL 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 Sections **379, 427 and 430 of IPC**, in Crime No.20 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of four units of broken rock stones, without any valid permission from the concerned authority. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has already been granted anticipatory bail by this Court in Crl.O.P.No.1402 of 2021 on 02.07.2021 itself. Since the petitioner could not be able to comply



the said order, the said order stands automatically cancelled. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** to the Mineral Foundation Trust.

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 petitioner may not be necessary and also considering the fact that the petitioner on his own volition is ready and willing to deposit a sum of **Rs.50,000/-** to the Mineral Foundation Trust, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 **District Munsif cum Judicial Magistrate, Gudalur, Nilagiri District**, 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.50,000/- (Rupees Fifty Thousand Only) through demand draft in favour of The Chairman/ District Collector, District Mineral Foundation Trust of the concerned District, under necessary acknowledgement.** 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 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 10.30 a.m., until further order.**

(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/-

25/02/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUDALUR,
NILGIRIS DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NADUVATTAM POLICE STATION,
NADUVATTAM, UDHAGAMANDALAM TALUK,
NILAGIRI DISTRICT.



5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
NILGIRIS DISTRICT.

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+1 CC to M/S. R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO.2996

CRL OP.4635/2022

Date :25/02/2022

TA-02/03/2022