



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4687 of 2022

ULIYAN @ GOVINDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.57 OF 2022)

[RESPONDENT]

For Petitioner : M/S.MANIMARAN, Advocate for
M/S.V.R.APPASWAMEE 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 petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of IPC r/w Section 21 (1) of Mines and Minerals Act in Crime No.57 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.02.2022, the defacto complainant J.C.Suresh Babu who is a Sub-Inspector of Police, registered a complaint regarding illegal transportation of river sand on pursuance of bullock cart owned by the petitioner herein was intercepted and seized along with 1/4 units of river sand.



3. The learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail.

4. On perusing the FIR, this Court finds that on interception of the vehicle carrying river sand illegally, the same has been brought to the police station by the defacto complainant and handed over to work for further action. Thereafter, the case has been registered against the Rider cum Owner of the vehicle for the alleged offence under Sections 379 and 430 of IPC r/w Section 21 (1) of Mines and Minerals (Development & Regulation) Act. The petitioner herein being the Owner has come before this Court apprehending arrest.

5. As far as prosecution is concerned, so far, there is no indication that they have proceeded against the petitioner herein to secure him in connection with the said case on cumulative assumption of the fact and quantum of river sand alleged to have been illegally transported. This Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioner may be granted anticipatory bail with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Principal District and Sessions Judge, Thiruvannamalai 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 learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Twenty Five Thousand only) before the concerned District Collector's Fund as non-refundable deposit. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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;



(d) the petitioner shall report before the Investigation Officer as and when required for an 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/-
28/02/2022

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.



4 THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR'S FUND,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
THE DISTRICT MINES AND MINERALS FOUNDATION
TRUST, THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR.NO. 3123

CRL OP.4687/2022

Date :28/02/2022

RW 03/03/2022