



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5237 of 2022

PRAKASH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.104 OF 2022)

[RESPONDENT]

For Petitioner : M/S.BAALAJI 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 and 430 of IPC r/w Section 21 (1) of Mines and Minerals Act, 1957 in Crime No.104 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police were on regular patrol, they found that the petitioner along with other accused had illegally transported $\frac{1}{4}$ unit of river sand in a Bullock Cart without proper license.

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 and he has been falsely implicated in this case. Hence, he pleads to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) raised an objection on the ground that the petitioner along with other accused had illegally transported $\frac{1}{4}$ unit of river sand in a Bullock Cart without proper license.

5. Considering the facts and circumstances of the case and submissions made by both counsel, 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 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 Judicial Magistrate Court, Cheyyar 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 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/-

04/03/2022

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,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
DISTRICT MINES AND MINERALS FOUNDATION TRUST,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.BAALAJI Advocate on payment of necessary charges
SR.NO. 3493

CRL OP.5237/2022

Date :04/03/2022

RW 16/03/2022