



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5619 of 2022

SIVANANTHAM

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU

[RESPONDENT]

REP BY THE INSPECTOR OF POLICE,
THITTACHERRY POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.190 OF 2021)

For Petitioner : M/S.G.BALACHANDAR Advocate

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

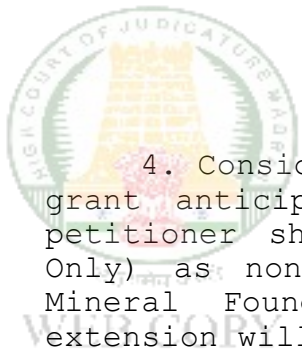
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.190 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transported ½ unit of river sand by using bullock cart.

3. The learned counsel for the petitioner submitted that while granting the anticipatory bail to the petitioner vide order dated 13.08.2021 in Crl.O.P.No.14291 of 2021, the condition imposed by this Court cannot be complied with due to his illness coupled with COVID 19 and seeks for extension of time to deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust.



4. Considering the reason stated above, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non refundable to the credit of the concerned District Mineral Foundation Trust on or before 29.03.2022. No further extension will be granted.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on or before 29.03.2022 before the learned Judicial Magistrate No.II, Nagapattinam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan /receipt, shall accept the sureties furnished by the petitioner;

(b) if the petitioner failed to surrender before the concerned Magistrate on or before 29.03.2022, 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 Investigating 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.

WEB COPY

-sd/-
14/03/2022

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,
NO.II, NAGAPATTINAM, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THITTACHERRY POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.G.BALACHANDAR Advocate on payment of necessary charges SR.No.3894

CRL OP.5619/2022

Date :14/03/2022

CSK 23/03/2022