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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6390 of 2022

VIJAYAKUMAR ELUMALAI [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CR.NO.762 OF 2021)

For Petitioner : M/S.MK.GAUTHAMAN 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 offence punishable under sections 430, 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation Act) 1957 in Crime No.762 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The prosecution case is that on 20.06.2021, when the respondent police was on regular patrol, they found that the petitioner was involved in illegal transportation of 1/4 unit of river sand in a bullock cart. Hence, the respondent police seized the vehicle along with 1/4 unit of river sand.

3. The learned counsel for the petitioner 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.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner had illegally transported 1/4 unit of river sand.

5. Considering the facts and Circumstances of the case, 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 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 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 daily at 10.30.a.m., until further orders;

(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

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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.

7. However, grant of anticipatory bail shall not stand in the way of the authorities to initiate confiscation proceedings relating to the vehicle involved in the offence.

-sd/-
29/03/2022

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 PRINCIPAL DISTRICT JUDGE
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.MK.GAUTHAMAN Advocate on payment of necessary charges SR.No.4765

CRL OP.6390/2022

Date :29/03/2022

CSK 05/04/2022

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