



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6042 of 2022

YUOING KISHOR KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.216 OF 2021)

For Petitioner : M/S.V.BHAGIRADHAN 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 379, 430 of IPC and with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.216 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.05.2021, when the defacto complainant and their team were on regular patrol, they found that the petitioner illegally transported one unit of river sand in TATA 407 vehicle, without any valid license. Hence, the complaint was lodged before the respondent Police.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.



4. Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory 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, Arni**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) before the concerned District Collector's Fund as non-refundable deposit**, without prejudice to their defence before the trial court and 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 petitioners. 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) 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;

(c) **the petitioner shall report before the Investigating Officer as and when required.**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

The grant of anticipatory bail shall not stand in the way of the authorities to initiate the confiscation proceedings of the TATA 407 vehicle in which the river sand has been illegally transported.

-sd/-
16/03/2022

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,
ARNI, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

+1 CC to M/S.V.BHAGIRADHAN Advocate on payment of necessary charges SR.NO.4145

CRL OP.6042/2022

Date :16/03/2022

TA-21/03/2022