



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6184 of 2022

KARUPPAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.35 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SELVAM Advocate

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

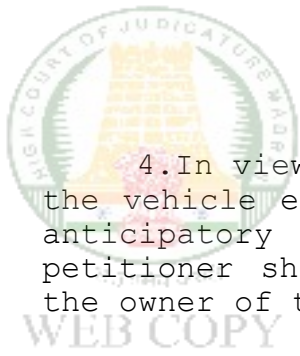
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 379 and 431 of IPC in Crime No.35 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 21.01.2022, a bokline was parked near the chikoo grove and the sand were removed from the Bank of Paambaaru thereby exploited the natural resources. When the same was questioned, the driver of the bokline informed that they were instructed to level the field by using the bokline vehicle belongs to one Thirupathi. However, after verifying registration number of the vehicle, the respondent found that the vehicle stands in the name of Karuppan who is the petitioner before this Court.

3. The learned counsel for the petitioner states that, the petitioner had already sold the bokline to one Chinnathambi, in the year 2017 and further he produced before this Court the letter of TATA Finance indicating that the vehicle was transferred to one Chinnathambi.



4. In view of the conflicting statement regarding the ownership of the vehicle explaining his bonafide, this Court is inclined to grant anticipatory bail to the petitioner, with a condition that the petitioner should produce all the documents to show that he is not the owner of the vehicle before the Investigating Officer.

5. 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, Uthangarai, Krishnagiri, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his 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;

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

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m. for a period of ten days and thereafter as and when required.

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

(e) 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 has 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;

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

-sd/-

17/03/2022

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,
UTHANGARAI, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.No.4142

CRL OP.6184/2022

Date :17/03/2022

CSK 23/03/2022