



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6279 of 2022

1 N.PERUMAL [PETITIONERS / ACCUSED]
2 S.MARUTHAHASAN @ MANIKANDAN

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
ULUNDURPETTAI POLICE STATION,
KALLAKURICHI.
(CRIME NO.389 OF 2021)

For Petitioner : M/S.G.SARAVANABHAVAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC in Crime No.389 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are driver and owner of the Tipper lorry in which one unit of river sand has been illegally transported. Hence, the complaint.

3. Considering the quantity of the minerals and the vehicle involved, this Court is inclined to grant Anticipatory bail to the petitioners with a condition that the petitioners should deposit a sum of Rs.25,000 each in this Criminal Original Petition (Crime No. 389 of 2021) on or before **(*)13.04.2022** and shall participate in the enquiry without fail.



4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate I, Ulundurpet*, on condition that each of the petitioners 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, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) the petitioner shall deposit a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) to the credit of Crime Number 389 of 2021 before the learned Judicial Magistrate -I, Ulundurpet. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the sum of Rs.25,000/- was deposited by the petitioner to the credit of Crime Number 389 of 2021.

(b) 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;

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

(d) the petitioner shall report before the Investigating Officer as and when required for interrogation.

(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 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;

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



5. 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/-

21/03/2022

WEB COPY

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.

(*) Being mentioned-time to comply with the condition imposed is extended till 13.04.2022. as per order of this Court dated 01/04/2022. Made in CrI.O.P.NO.6279/2022.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ULUNDURPET, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ULUNDURPETTAI POLICE STATION,
KALLAKURICHI.

+1 CC to M/S.G.SARAVANABHAVAN Advocate on payment of necessary charges SR.NO.4337

CRL OP.6279/2022

Date :21/03/2022

TA-23/03/2022

TA-06/04/2022