



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6531 of 2022

ARUMUGAM

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
VILLIANUR POLICE STATION,
PONDICHERRY.
(CRIME NO.68 OF 2022)

[RESPONDENT]

For Petitioner : M/S.B.SIDDESWARAN Advocate

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

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 offence punishable under Sections 34 & 379 of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.68 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the owner of the bullock cart. According to the prosecution, using this bullock cart, about 10 ½ units of river sand has been transported by one Vinoth and stored in the backyard of the Vinoth's house. The said Vinoth is arrayed as A2 and this petitioner is shown as A3.

3.The petitioner claims that he has given the bullock cart to Vinoth and one Chinnathambi and he was not aware of using the bullock cart for illegal transportation of river sand.



4. Considering the submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Grant of anticipatory bail shall not stand in the way to the authorities of mere confiscation proceeding of the vehicle using for illicit transport of minerals.

5. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.68 of 2022, within a period of seven days from the date on which the order copy made ready, and on such deposit 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 No.III, Pondicherry, on condition that 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 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) 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;

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.68 of 2022, within a period of seven days from the date on which the order copy made ready;

(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 respondent police as and when required for 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/-
22/03/2022

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.III, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
VILLIANUR POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+1 CC to M/S.B.SIDDESWARAN Advocate on payment of necessary charges SR.NO.4259

CRL OP.6531/2022

Date :22/03/2022

JPA 28/03/2022