



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.6713 of 2022

1 MURUGAIYAN [PETITIONERS / ACCUSED]
2 SAMPATHKUMAR

Vs

STATE REP.BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE
VALATHY POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.83 OF 2022)

For Petitioner : M/S.R.SASIKUMAR 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 offence punishable under section 379 of IPC and Section 21(1) of Mines and Minerals Act in Crime No.83 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are driver and owner of the un-registered Tractor in which lake sand was illegally transported. On perusal of FIR, does not disclosed the fact of the quantity of sand or character of the sand.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further states that from their own patta land sand was removed for constructing the house. Hence, he pleads for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioners stating that the petitioners had illegally transported lake sand without any valid documents.



5. 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, Gingee, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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.

6. 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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
VALATHY POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR.No.4726

CRL OP.6713/2022

Date :29/03/2022

CSK 31/03/2022