



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7003 of 2022

1 MADESH [PETITIONERS / ACCUSED]
2 NAVANETHAN

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.47/2022)

For Petitioner : M/S. C.PRABAKARAN Advocate

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

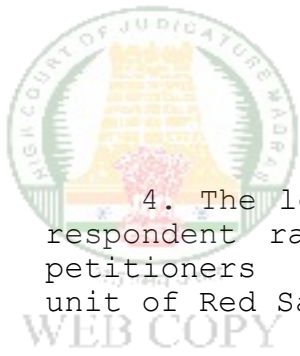
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 in Crime No.47 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Tahsildar of Palacode Taluk, Dharmapuri District, along with his team was inspecting the vehicles on information about illegal transportation of Red Soil. While conducting vehicle check up at Mallapuram to Gujjarahalli Road, they found that the petitioners were involved in illegal transportation of 1 unit of Red sand in a tipper lorry bearing registration number TN 29 BR 2131 without valid permit. Hence FIR has been registered.

3. The learned counsel for the petitioners submitted that the 1st petitioner being the owner and the 2nd petitioner being the driver of the vehicle are innocent and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. 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 1 unit of Red Sand.

5. Considering the facts and Circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioners may be granted anticipatory bail 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.

6. 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 Court, Palacode 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned District Collector's Fund as non-refundable deposit. 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) if the petitioners 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;

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

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have 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;

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

-sd/-

28/03/2022

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,
PALACODE, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.No.4654

CRL OP.7003/2022

Date :28/03/2022

CSK 31/03/2022