



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.7210 of 2022

ELUMALAI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.169/2022)

[RESPONDENT]

For Petitioner : M/S.M.SUBASH 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 at the hands of the respondent police for the offence punishable **under section 379, 430 of IPC r/w. 21(5) of Mines and Minerals (Development and Regulation) Act, 1957** in Crime No.169 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The prosecution case is that on 19.03.2022, when the respondent police was on regular patrol, they found that the petitioner had involved in illegal transportation of 1/2 unit of river sand in a vehicle bearing registration number TN 25 J 7454.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has 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 petitioner stating that the petitioner had illegally transported 1/2 unit of river sand.

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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, Chengam** 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 10.00 a.m. until further orders;**

(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.



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.

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-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,
CHENGAM, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO.4875

CRL OP.7210/2022

Date :29/03/2022

TA-04/04/2022