



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7485 of 2022

1 SATHIYARAJ
2 MANIYARASAN
3 DINESHKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
THIRUKOILUR-TALUK,
KALLAKURICHI-DISTRICT
CRIME NO.84 OF 2022

[RESPONDENT]

For Petitioners : M/S. R.PUSHPALATHA Advocate

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

PETITION FOR ANTICIPATORY BAIL 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 438 of Cr.P.C in Crime No.84 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The allegation is that on information when the Village Administrative Officer went to the Jampadai lake, found that J.C.B bearing registration No.TN-31 AP-8085 and two tractors bearing registration No.TN-15 M-9779, TN-15-S-6063, on seeing the respondent police, the petitioners were pleaded and an enquiry indicates that there are three vehicles involved in this case and the petitioners herein are the owners of the vehicles and they have brought their vehicles to lake, to mine the lake sand illegally.



3. The learned counsel for the petitioners would submit that no soil was found in the vehicle and recovered materials merely on suspicion the vehicle was seized and there is no bad antecedents to these petitioners involving in illegal sand mining.

4. Considering the fact that the alleged case attempted to mine lake sand and no illegal mining as alleged, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court, Thirukoilur on condition that the petitioners shall execute separate bonds 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) 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;

(b) 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;

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

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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.

WEB COPY

-sd/-
31/03/2022

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,
THIRUKOILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
THIRUKOILUR-TALUK,
KALLAKURICHI-DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.PUSHPALATHA Advocate on payment of necessary charges SR.NO.4957

CRL OP.7485/2022

Date :31/03/2022

JPA 07/04/2022