



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7592 of 2022

JAYAVEL

[PETITIONER / ACCUSED]

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI,
(IN CRIME NO.42 OF 2022)

[RESPONDENT]

For Petitioner : M/S. R.RAJPRABHU Advocate

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

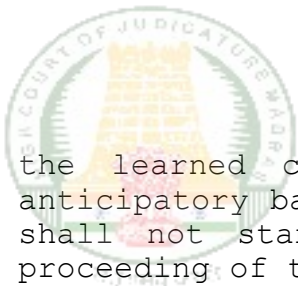
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.42 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is the driver of the tipper lorry, which was carrying two units of red sand. According to the respondent, using JCB, four units of red sand was illegally transported in tipper lorry and Taurus lorry. This petitioner, being the driver of the tipper lorry in which two units were loaded, on seeing the respondent police, he fled the scene of occurrence

3. Considering the fact that there is no previous case against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in the District Collector's Fund and on such deposit and production of receipt before



the learned concerned Magistrate, the petitioner may be granted anticipatory bail with certain conditions. Grant of anticipatory bail shall not stand in the way to the authorities mere confiscation proceeding of the vehicle using for illicit transport of minerals.

4. 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 Principal Sessions Judge, Tiruvannamalai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 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;

(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 Investigating Officer as and when required for an 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/-
04/04/2022

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 PRINCIPAL SESSIONS JUDGE,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DISTRICT COLLECTOR
TIRUVANNAMALAI

CC to M/S. R.RAJPRABHU Advocate on payment of necessary charges

CRL OP.7592/2022

Date :04/04/2022

JPA 11/04/2022