



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7786 of 2022

KANAGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
THIRUVALLUR DISTRICT.
IN CRIME NO.517 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.TAMILSELVAN Advocate

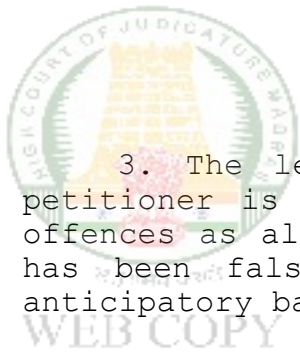
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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 Sections 379 & 430 of IPC R/W Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.517 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.07.2021, when the respondent police was on regular patrol at Tholavedu Village near Arani river, they found two persons coming along with some gunny bags in their two wheeler. When they tried to stop the vehicle, the rider on the pillion and the person standing next to him fled from the scene. The driver of the vehicle was arrested and the two wheeler was seized along with 3 gunny bags of river soil. Upon his confession this petitioner apprehends arrest.



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 along with his accomplice had illegally transported three gunny bags of river sand.

5. Considering the facts and Circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees 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 of mere confiscation proceeding of the vehicle using for illicit transport of minerals.

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

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees 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.

-sd/-

05/04/2022

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 JUDICIAL MAGISTRATE,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
THIRUVALLUR.

+1 CC to M/S.S.TAMILSELVAN Advocate on payment of necessary charges SR.NO.5225

CRL OP.7786/2022

Date :05/04/2022

JPA 12/04/2022