



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8066 of 2022

BAKKIYARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
SOZHATHARAM POLICE STATION,
CUDDALORE DISTRICT
CRIME NO.235 OF 2021

[RESPONDENT]

For Petitioner : M/S. G.PUGAZHENTHI 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 alleged offence punishable under Sections 430, 379 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.235 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.08.2021, the respondent police during the routine vehicle checkup came to know that the petitioner herein is the owner of the vehicle in which half unit of odai sand has been illegally transported without any license and permission of Government Authorities. On seeing the respondent Police the petitioner had absconded from the scene of occurrence. Hence, the respondent police seized the half unit of odai sand along with the vehicle and lodged an FIR.



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 half unit of odai 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.10,000/- (Rupees Ten 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 District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, 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.10,000/- (Rupees Ten 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;

WEB COPY

(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/-

07/04/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KATTUMANNARKOIL,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
SOZHATHARAM POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT.

+1 CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary charges SR.NO.5419

CRL OP.8066/2022

Date :07/04/2022

JPA 18/04/2022