



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8837 of 2022

1 S.GUGANANDAM [PETITIONERS / ACCUSED]
2 E.SHANMUGAM
3 N.ARUMUGAM

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
CHENGALPATTU DISTRICT.
(CRIME NO.47 OF 2022)

For Petitioner : M/S.K.KRISHNAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 430, 379 of I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.47 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Based on specific information, the Village Administrative Officer of Nellikkuppam Village had gone to the canal where three persons were illegally loading sand using JCB. On seeing the defacto complainant and his team, they have fled and abandoned the JCB, Tractor and the Trailer, in which they were loading the sand illegally.

3. The learned Government Advocate (Crl. Side) submits that three units of sand were illegally excavated by this petitioners, who were the owners of the JCB, Tractor and Trailer.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Hence, he pleads for anticipatory bail.

4. Considering the facts and Circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioners may be granted anticipatory bail with certain conditions;

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, No. I, Chengalpattu on condition that the petitioners shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each 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 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;

(c) 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;

(d) the petitioners shall report before the Investigating Officer daily at 10.30.a.m., until further orders;

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



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

7. 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.

-sd/-

21/04/2022

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,
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DISTRICT COLLECTOR
CHENGALPATTU DISTRICT.

+1CC to K.KRISHNAN Advocate on payment of necessary charges
SR.No.6040

CRL OP.8837/2022

Date :21/04/2022

CSK 25/04/2022