



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8448 of 2022

SIJO JOHNY

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT.
(CRIME NO.323/2022)

[RESPONDENT]

For Petitioner : M/S.D.R.ARUN KUMAR 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 offences punishable under *Sections 379 of IPC and 21(i) of Mines and Minerals (Development and Regulation) Act*, in Crime No.323 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the vehicle in which, six units of Boulders/Gravel was transported illegally, without permit.

3.The learned counsel appearing for the petitioner would submit that the petitioner was provided with transit permit and when it was shown to the respondent police, they did not accept it and a copy of the transit permit was produced before this Court for perusal.

4.The temporary permit issued on 26.03.2022 valid for one round trip indicates that the boulder from Thalakkurai, Pollachi Taluk to Palacode can be carried in the vehicle bearing Reg.No.KL42 P 2277. However, the date and time of despatch is not mentioned in the space provided in the transit pass Form-F. This indicates that the petitioner herein had no proper transit permit for transporting of the



boulder with subject matter of the seizure. However, considering the other facts, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I, Pollachi, 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, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,20,000/- (*Rupees one lakh and twenty Thousand only*) before the concerned District Collector's Fund as non-refundable deposit, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. 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) The above said condition shall be complied within a period of 10 days from today.

(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 Investigation Officer as and when required for 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.

It is made clear that the grant of anticipatory bail to the petitioner will not stand in the way of the Authorities concerned to proceed with the confiscation proceeding of the vehicle involved in the illegal transportation of the boulder.

-sd/-

19/04/2022

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
COIMBATORE DISTRICT.

+1CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary charges SR.No.5824

CRL OP.8448/2022

Date :19/04/2022

CSK 21/04/2022