



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9251 of 2022

SETTU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KANAI POLICE STATION,
VILLUPURAM DISTRICT,
CRIME NO.123 OF 2022.

[RESPONDENT]

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 petitioner, who apprehends arrest for the alleged offence punishable under Sections 379 and 430 of IPC and Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.123 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the owner of the bullock cart. According to the prosecution, using his bullock cart, about ½ unit of river sand has been transported illegally without valid permit. On seeing the respondent police, the petitioner herein had left the bullock cart and escaped from the spot.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he had not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case and there is no previous case against him. Hence, he pleads for anticipatory bail.



4. Considering the quantum of river sand and the mode of transport, 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 as non-refundable deposit 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.

5. Accordingly, the petitioner is 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, Villupuram, 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) 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;

(b) 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;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
22/04/2022

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, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANAI POLICE STATION,
VILLUPURAM DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.KRISHNAN Advocate on payment of necessary charges
SR.NO.6167

CRL OP.9251/2022

Date :22/04/2022

JPA 28/04/2022