



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8486 of 2022

ARULKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TIRUKANNAPURAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO. 81 OF 2022.

[RESPONDENT]

For Petitioner : M/S. J.JAWAHAR Advocate

For Respondent : M/S.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 of IPC and Section 21 (1) of Mines and Minerals (Development and Regulation) Act in Crime No.81 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner alleged to have illegally transported $\frac{1}{4}$ unit of river sand in a JCB without valid permit. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner alleged to have illegally transported $\frac{1}{4}$ unit of river sand in a JCB without valid permit.

5. Considering the facts and Circumstances of the case and also considering the quantity of sand and the manner in which the sand was transported, 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;

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-I, Nagapattinam, 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 within 15 days from the date of receipt of a copy of this order. 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 Investigation Officer daily at 10.30 a.m., until further orders;

(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.

7. It is made clear that granting of anticipatory bail to the petitioner will no way stand in the way of the concerned authorities to confiscate the vehicle and proceed as per law.

-sd/-

20/04/2022

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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUKANNAPURAM POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
NAGAPATTINAM DISTRICT.

+1 CC to M/S. J.JAWAHAR Advocate on payment of necessary charges
SR.NO. 5968

CRL OP.8486/2022

Date :20/04/2022

RW 28/04/2022