



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 NOS.9138 & 9149 of 2022

1 PREMKUMAR [PETITIONERS / ACCUSED
2 PANDURANGAN IN CRL.OP.NO.9138/2022]
3 BOOBALAN

1 VENKATESAN [PETITIONERS / ACCUSED
2 LAKSHMANAN IN CRL.OP.NO.9149/2022]
3 PANDIYARAJAN

Vs

STATE REP BY [RESPONDENT/COMPLAINANT
THE SUB INSPECTOR OF POLICE, IN BOTH PETITIONS]
TIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.
(CR.NO. 145 OF 2022)

For Petitioner : M/S. R. SASIKUMAR Advocate
[IN BOTH PETITIONS]

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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 alleged offence punishable under Sections 430 and 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.145 of 2022, on the file of the respondent police, seek anticipatory bail.

2. These petitioners are arrayed as Accused in Crime No.145 of 2022. It is alleged that they have transported two units of Savudu sand in two lorries with the help of JCB. The JCB and the two lorries with mineral seized. All the petitioners are absconding, now, they are before this Court seeking Anticipatory Bail. Further, the learned



counsel for the petitioner would state that the petitioners removed the sands as per the instructions of the Cater Pillar Company from their premises.

3. Considering the quantity of the Savudu sand, which was removed as per the instruction of the Cater Pillar Company, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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, Thiruvallur on condition that the petitioners in Crl.O.P.No.9138 of 2022 shall jointly execute a bond for a sum of Rs.30,000/- (Rupees Thirty Thousand Only), and the petitioners in Crl.O.P.No.9149 of 2022 shall jointly execute a bonds for a sum of Rs.30,000/- (Rupees Thirty Thousand Only), totally Rs.60,000/- (Rupees Sixty Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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;

(b) 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;

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

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

(e) the petitioners 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 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;



(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.1, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
TIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. R. SASIKUMAR Advocate on payment of necessary charges SR.NOs.6125+6123

CRL OP.NOs.9138&9149/2022

Date :22/04/2022

CSK 28/04/2022