



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.9669 of 2022

SRIRAM @ SRIRAMULU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
KANKAMMA CHATRAM POLICE STATION,
KANKAMMA CHATRAM, TIRUVALLUR DISTRICT
CRIME NO. 31 OF 2022

[RESPONDENT]

For Petitioner : M/S. R.VIVEKANANTHAN Advocate

For Respondent : MR.LEONARD ARUL JOSEPH SELVAM, 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, 430 of IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.31 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on vehicle inspection, they found that the petitioner was involved in illegal transportation of three units of river sand, without any valid permission from the concerned authority. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. As of now, investigation has been completed and therefore, custodial interrogation may not be necessary. On instructions, the learned counsel further submit that without prejudice to his defence and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.50,000/- to the Chief Justice Relief Fund. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having four previous cases. He would further submit that the investigation is still pending and therefore, he prayed for dismissal of this petition.

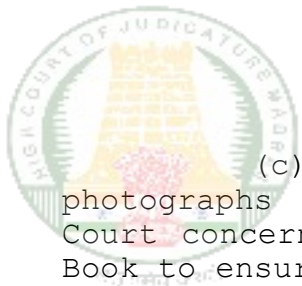
5. Submissions made by the learned counsels appearing on either side are considered.

6. The earlier anticipatory bail petition filed by the petitioner was dismissed on 15.02.2022 by considering the previous antecedents of the petitioner. Even after the same, the respondent had not taken any effective steps for securing the accused. On the other hand, the property which was used in the commission of offence has been recovered and accordingly, portion of investigation has been completed. Though the petitioner is having four previous cases, the said cases are not a similar in nature with the present case. Therefore, in view of the fact that portion of investigation has been completed, this Court comes to the conclusion that custodial interrogation of the petitioner may not be necessary for completing the investigation and also considering the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.50,000/- to the Chief Justice Relief Fund, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruttani 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 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 petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the petitioner on his own volition, the petitioner shall deposit a sum of Rs.50,000/- to the Chief Justice Relief Fund, High Court of Madras under necessary acknowledgment. The above contribution is made without prejudice to his defence before the trial court and the petitioner shall 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;



(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;

WEB COPY (d) the petitioner shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter 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.

-sd/-

27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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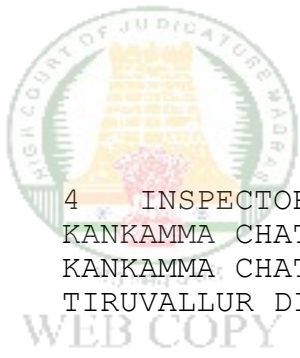
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTTANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 INSPECTOR OF POLICE,
KANKAMMA CHATRAM POLICE STATION,
KANKAMMA CHATRAM,
TIRUVALLUR DISTRICT

5 THE SECTION OFFICER, ACCOUNTS SECTION,
CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS

CC to M/S. R.VIVEKANANTHAN Advocate on payment of necessary
charges Sr.6343

CRL OP.9669/2022

Date :27/04/2022

RVR 02/05/2022