



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9417 of 2022

1 KUMAR
2 MUNRAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT
(CRIME NO.94 OF 2022)

[RESPONDENT]

For Petitioners : M/S M.JAYACHANDRAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

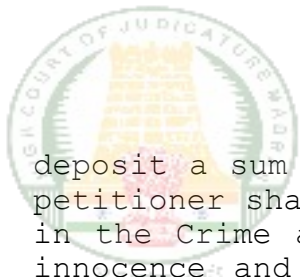
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.94 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The 1st Petitioner is the owner of the lorry bearing registration No.KA-01-6235, wherein two units of M-Sand was illegally transported and seized by the Tahsildar, Denkanikottai on 07.04.2022. The 2nd Petitioner is the owner of the mini tipper lorry bearing registration No.TN 70 AH 7106, in which, two units of jalli illegally transported. The driver of the lorry fled on seeing the riding party absconding the vehicle and the contraband. The petitioners herein seeks anticipatory bail apprehending arrest.

3. Considering the fact that these petitioners have no previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioners on condition that the 1st petitioner shall



deposit a sum of Rs.40,000/- (Rupees Forty Thousand Only) and the 2nd petitioner shall deposit a sum of Rs.10,000 (Rupees Ten Thousand only) in the Crime account without prejudice to their right to prove their innocence and on such deposit and production of receipt before the learned concerned Magistrate, the petitioners 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.

4. 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, Hosur, on condition that the 1st petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) and the 2nd 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 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 as and when required for an interrogation;

(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.

-sd/-
25/04/2022

WEB COPY

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, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.6234

CRL OP.9417/2022

Date :25/04/2022

JPA 28/04/2022