



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 Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9779 of 2022

1 DAYALAN
2 B.PRABAKAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU
CRIME NO.98 OF 2022.

[RESPONDENT]

For Petitioners : M/S.G.MAGESHKUMAR Advocate

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

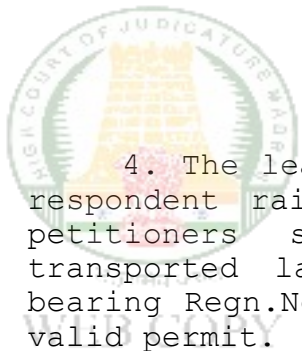
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 and 430 of IPC r/w Section 21(1), of Mines and Minerals (D &R) Act, 1957 in Crime No.98 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioners alleged to have illegally transported lake sand by using JCB bearing Regn.NO.TN-14-B-6295 and two lorries bearing Regn.Nos.TN-20-AD-1555 and TN-20-BF-5757 respectively without valid permit. Hence, the complaint.

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



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioners stating that The petitioners alleged to have illegally transported lake sand by using JCB-TN-14-B-6295 and two lorries bearing Regn.Nos.TN-20-AD-1555 and TN-20-BF-5757 respectively without valid permit.

5. Considering the nature of offence alleged to have committed and 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.25,000/- (Rupees Twenty Five 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 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 this order, before the learned Judicial Magistrate-I, Chengalpattu on condition that the petitioners shall execute separate bonds for a sum of Rs.50,000/- (Rupees Fifty thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 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;

(c) 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;

(d) the petitioners shall report before the Investigating Officer as and when required for an interrogation;

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

(f) the petitioners 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 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;

(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 petitioners will no way stand in the way of the concerned authorities to confiscate the vehicle and proceed as per law.

-sd/-

27/04/2022

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, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
CHENGALPET DISTRICT

+1 CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges SR.NO.6646

CRL OP.9779/2022

Date :27/04/2022

JPA 05/05/2022