



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.10381 of 2022

SEKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO. 88/2022.

For Petitioner : M/S . G.MAGESHKUMAR Advocate

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

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

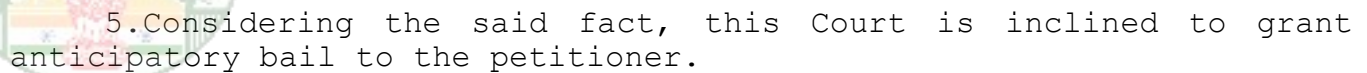
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (D&R) Act, 1957 in crime No.88 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have transported two units of sand in his tipper lorry bearing Reg.No.TN 28 AM5816. Based on the complaint given by the Village Administrative Officer, the lorry along with sand were seized.

3.The quantity of the soil appears to be two units. Earlier, the Anticipatory bail petition filed by the petitioner was dismissed on 11.03.2022, since the nature of the soil could not be ascertained.

4.The learned Government Advocate (Crl.side) would submit that the morambu soil was removed from the land of one Adhiboss.



(a) the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned District Collector's Fund as non-refundable deposit, without prejudice to his defence before the trial court and 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. 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;

(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;

(e) the petitioner shall not tamper with evidence or witness 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.

It is made clear that the grant of anticipatory bail to the petitioner will not stand in the way of the Authorities concerned to proceed with the confiscation proceeding of the vehicle involved in the illegal transportation of the river sand.

-sd/-

29/04/2022

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,
TIRUKOILUR.

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

3 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
VILLUPURAM DISTRICT.

+1 CC to M/S . G.MAGESHKUMAR Advocate on payment of necessary charges SR.NO. 6645

CRL OP.10381/2022

Date :29/04/2022

RW 05/05/2022