



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10505 of 2022

GANAPATHI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT.
(CRIME NO.88/2022)

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 for the alleged offence punishable under Sections 379 of IPC r/w Sections 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.88 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is seen from the submissions of the petitioner that the petitioner is the owner of the lorry bearing Registration No.TN-83-L-0900 and it was found in illegal possession of 23 tons of Norambu Sand (Rough Sand). The driver of the lorry was arrested and released on bail. It is further submitted that the petitioner has no knowledge about the lorry for illegally transportation of sand. It is also submitted that there is no previous case pending against the petitioner. Considering the facts that the lorry and sand has been seized and the driver of the lorry was arrested and released on bail, the petitioner seeks anticipatory bail.

3. Learned counsel for the petitioner submitted that petitioner is innocent and falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner had illegally transported 23 tons of Norambu Sand.

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5. Considering the facts and circumstances of the case that sand involved is Norambu Sand and the property had been recovered and the driver of the lorry was arrested and released on bail, the custodial interrogation of the petitioner is not necessary and 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) to the Advocate Clerks Welfare Association, Thiruppathur District 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Thiruppathur District, 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioner 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 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;

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

(d) 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.

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-sd/-

05/05/2022

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 ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
AMBUR, THIRUPPATHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADVOCATE CLERKS WELFARE ASSOCIATION,
THIRUPPATHUR DISTRICT.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.No.6823

CRL OP.10505/2022

Date :05/05/2022

CSK 11/05/2022