



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.10506 of 2022

GOWTHAM @ GOWTHAMAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
TIRUPPATHUR TK POLICE STATION,
TIRUPATHUR DISTRICT.
CRIME NO.125 OF 2022.

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (CrI. 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.125 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is seen from the submission made by the learned counsel appearing for the parties that the allegation against the accused persons in this case is that they said to have illegally removed sand from the private land in Survey No.262/1A A-1. The petitioner herein, who is the owner of the JCB bearing Registration No.TN 83-V-9389 and one Sakthi, who is the owner of the lorry, bearing Registration No.TN-54-C-0325 were illegally transported the sand by using JCB and Tipper lorry. On seeing the de-facto complainant and the police party, the accused escaped from the scene. The respondent police found that four units of sand in the tipper lorry and registered a FIR in Crime No.125 of 2022.

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

4. The learned Government Advocate (CrI. Side) appearing for the



respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner had illegally transported 4 units of sand in a tipper lorry.

5. Considering the facts and circumstances of the case the sand was removed from the private land, of course without license and the fact that the JCB and the Tipper lorry had been seized with sand, 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 fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Thiruppathur, 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 15 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.

-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 JUDICIAL MAGISTRATE,
NO.II, THIRUPATHUR, THIRUPATHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPATHUR TALUK POLICE STATION,
TIRUPATHUR DISTRICT.

5 THE ADVOCATE CLERKS WELFARE ASSOCIATION,
TIRUPPATHUR DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.6825

CRL OP.10506/2022

Date :05/05/2022

TA-11/05/2022