



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.10695 of 2022

D.MONISH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT
CRIME NO.237/2022

[RESPONDENT]

For Petitioner : M/S. SATHIYARAJ E. Advocate

For Respondent : MR.N.S.SUGANTHAN, Government 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 and 430 of IPC r/w Sections 21(5) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.237 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police on 28.04.2022 conducted checkup at Elathur Village and found that the petitioner and another were illegally transporting $\frac{1}{4}$ unit of river sand in bullock cart. On seeing the police, the petitioner herein had abandoned the vehicle and escaped from the spot. Thereafter, the respondent police registered a FIR in Crime No.237 of 2022.

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 ¼ unit of river sand.

5. Considering the facts and Circumstances of the case that sand involved is river sand and the property had been recovered, 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.5,000/- (Rupees Five Thousand Only) to the Advocate Clerks Welfare Association, Tiruvannamalai 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 District Munsif-cum-Judicial Magistrate, Kalasapakkam, Tiruvannamalai 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.

WEB COPY

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADVOCATE CLERKS
WELFARE ASSOCIATION, TIRUVANNAMALAI.

+1 CC to M/S. SATHIYARAJ E. Advocate on payment of necessary charges SR.NO. 6833

CRL OP.10695/2022

Date :05/05/2022

RW 12/05/2022