



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN
CRIMINAL ORIGINAL PETITION No.10569 of 2022

1 CRISTOFER
2 SHANKAR

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
THIRUVALAM,
VELLORE DISTRICT.
CR.NO.172 OF 2022.

[RESPONDENT]

For Petitioner : M/S.G.VINODH KUMAR 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 petitioners, who apprehend arrest for the alleged offence punishable under Sections 379 and 430 of IPC r/w Sections 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.172 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is submitted by the learned counsel for the petitioners that A1 is the driver of the vehicle and A2 is the owner of the vehicle. The case of the prosecution is that the respondent police, on 19.04.2022, was conducted a regular sand theft check up nearby Kambarajapuram Colony, near Ponneri River side and found that the petitioners were illegally transporting 1 unit of savud sand in a TATA LPK bearing Registration No.TN-23-CM-9248 Eicher Mini Van. On seeing the police, the petitioners had abandoned the vehicle and escaped from the spot. Thereafter, the respondent police seized the vehicle with savud sand and registered a FIR in Crime No.172 of 2022.

3. Learned counsel for the petitioners submitted that petitioners are innocent and falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the second petitioner had three previous cases, which are similar in nature. Hence, the Government Advocate vehemently raised objection for granting anticipatory bail to the second petitioner. He also submitted that there is no previous case against the first petitioner.

5. Taking note of the previous bad incidents, this Court is not inclined to grant anticipatory bail to the second petitioner and the same is dismissed.

6. Considering the facts and circumstances of the case that sand involved is savud sand and the property had been recovered, the custodial interrogation of the first petitioner is not necessary and this Court is inclined to grant anticipatory bail to the first petitioner on condition that the first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the first petitioner may be granted anticipatory bail with certain conditions.

7. Accordingly, the first 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, Katpadi, Vellore District, on condition that the first 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) the first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the concerned District Collector's Fund as non-refundable deposit. 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 first 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;

(c) the first 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;

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



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

(f) the first 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,
KATPADI,
VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
THIRUVALAM,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT,
MADRAS.



5 THE DISTRICT COLLECTOR,
VELLORE

CC to M/S.G.VINODH KUMAR Advocate on payment of necessary
charges Sr.6813

CRL OP.10569/2022

Date :05/05/2022

RVR 16/05/2022