



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.10619 of 2022

1 VIGNESH

[PETITIONERS / ACCUSED]

2 GOVINDHAN

3 MARIYAPPAN

4 DHAMOTHARAN

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI DISTRICT,
CRIME NO.95 OF 2022

For Petitioners : M/S. M.JAYACHANDRAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

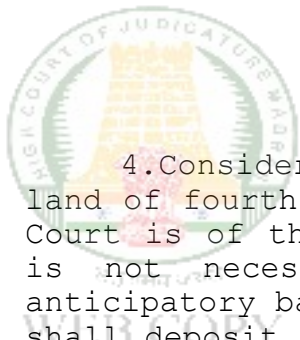
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 379, 511 of IPC in Crime No.95 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3. It is seen from the submissions made that the fourth accused is the land owner and from his land red sand was attempted to be removed. When the defacto complainant along with police parties enquired as to whether they got permission for removal of red sand, accused escaped from the scene of occurrence.



4.Considering the fact that the red sand was removed from the land of fourth accused and the vehicle was seized with red sand, this Court is of the view that custodial interrogation of the petitioners is not necessary, therefore, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioners may be granted anticipatory bail with certain conditions;

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Dharmapuri, on condition that the petitioners shall execute separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 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 petitioners shall report before the Investigation Officer as and when required for an interrogation;

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MATHIKONAPALAYAM POLICE STATION,
DHARMAPURI DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.6779

CRL OP.10619/2022

Date :05/05/2022

JPA 11/05/2022