



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.10608 of 2022

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.
(CRIME NO.102/2022)

[RESPONDENT]

For Petitioner : M/S V.ILLANCHEZIAN 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) 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957** in Crime No.102 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.03.2022, the respondent police got secret information from the de-facto complainant that the petitioner was illegally transporting 2 units of Gravel Sand. The respondent police during the inspection, stopped Ashok Leyland Tipper Lorry bearing Registration No.TN-61-M-0375 and found 2 units of Gravel Sand.

3. The learned counsel submitted that the petitioner's father was the owner of the vehicle. After his demise, the petitioner was shown as the owner of the vehicle. The Registration certificate still stands in the name of the petitioner's father. The driver of the vehicle was arrested and later released on bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner and co-accused had illegally transported 2 units of Gravel Sand in a lorry. He further submitted that the co-accused was arrested and released on bail.

5. Taking into consideration of the fact that the vehicle and sand was seized and the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the Advocate Clerks Welfare Association, Ariyalur 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.I, Ariyalur 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.

-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, ARIYALUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S V.ILLANCHEZIAN Advocate on payment of necessary charges SR.NO.6894

CRL OP.10608/2022

Date :05/05/2022

TA-12/05/2022