



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10818 of 2022

1 ABI
2 NARESH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS
THE SUB INSPECTOR OF POLICE,
K.K.CHATHIRAM POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.123/2022)

[RESPONDENT]

For Petitioner : M/S M.RAJINIKANTH Advocate

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

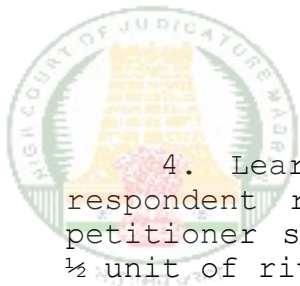
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The Petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 & 430 of IPC r/w. Section 21(1) of Mines and Minerals (D&R) Act, 1957 in Crime No.123 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the respondent police during their patrol duty near Ramapuram, Kosasthalai River found the petitioners coming with their bullock carts loaded with each $\frac{1}{4}$ unit of river sand. The respondent police seized the total $\frac{1}{2}$ unit of river sand and lodged FIR against the petitioners.

3. The learned counsel for the Petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.



4. Learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner s stating that the petitioners have illegally transported ½ unit of river sand in two bullock carts.

5. Considering the facts and Circumstances of the case, and considering the fact that the property has been recovered, 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. On such deposit and production of receipt before the concerned Magistrate, the petitioners may be granted anticipatory bail with certain conditions

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Tiruttani**, on condition that the petitioners shall execute a bond 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 Investigating 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 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/-
06/05/2022

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
K.K.CHATHIRAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE DISTRICT COLLECTOR
THIRUVALLUR.

CC to M/S M.RAJINIKANTH Advocate on payment of necessary charges

CRL OP.10818/2022

Date :06/05/2022

TA-18/05/2022