



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.10840 of 2022

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
KAVERIPAKKAM POLICE STATION,
RANIPET DISTRICT.
(CRIME NO.84 OF 2022)

[RESPONDENT]

For Petitioner : M/S R.SASIKUMAR 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 offences under Sections 379 and 430 of IPC in Crime No.84 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is seen from the FIR that the accused in this case removed sand from one Paramasivam's land without his knowledge using JCB bearing No.TN 73 T 4909 and tipper lorry bearing No. TN 73 S 7299. When the lorry was intercepted, it was found that there was 5 units of Morambu sand in two vehicles. Hence this complaint.

3. The learned counsel for the petitioner has submitted that A1 and A2 were arrested and released on bail. This petitioner is the owner of the JCB and lorry. The abovesaid vehicles and morambu sand have been recovered.

4. Considering the nature of the offence and the fact that the properties have been recovered and the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.



5. 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 Judicial Magistrate No.I, Walaja, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the concerned District Collector's Fund as non-refundable deposit, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. 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) the petitioner and the sureties shall affix his 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 not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the Investigating Officer daily at 10.30 a.m until further orders.

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 has 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-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,
NO.I, WALAJA.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KAVERIPAKKAM POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
RANIPET DISTRICT.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.No.6879

CRL OP.10840/2022

Date :06/05/2022

CSK 10/05/2022