



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

Friday, the Sixth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10781 of 2022

1 ELUMALAI
2 KASTHURI

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT
CRIME NO.336/2022

[RESPONDENT]

For Petitioner : M/S. S.SILAMBUSELVAN Advocate

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

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

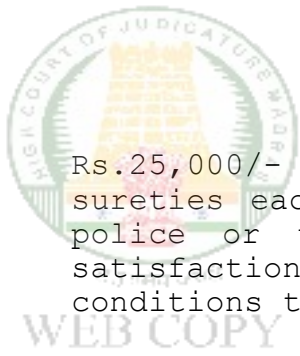
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.336 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is seen from the submissions of the learned counsel appearing for the parties that the case of the prosecution is that the petitioners are said to have illegally transported four units of Morambu sand in a Tipper lorry bearing No.TN 21 AC 9663. The sand and vehicle have been recovered.

3. Considering the nature of the offence and the recovery of the property, this Court is of the considered view that custodial interrogation of the petitioners is not necessary and accordingly, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

4. 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 Judicial Magistrate No.2, Thiruvannamalai, 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 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the concerned District Collector's Fund as non-refundable deposit, without prejudice to their 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 petitioners. 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 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;

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

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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.

-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.



1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVANNMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVANNMALAI TALUK POLICE STATION,
THIRUVANNMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT COLLECTOR,
TIRUVANNMALAI

CC to M/S. S.SILAMBUSELVAN Advocate on payment of necessary
charges Sr.6857

CRL OP.10781/2022

Date :06/05/2022

RVR 17/05/2022