



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10931 of 2022

S.RAMESH

[ PETITIONER / ACCUSED ]

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
IRUMBULIKURICHI POLICE STATION,  
ARIYALUR DISTRICT.  
CR.NO.39/2022.

[ RESPONDENT ]

For Petitioner : M/S. P.CHINNADURAI Advocate

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

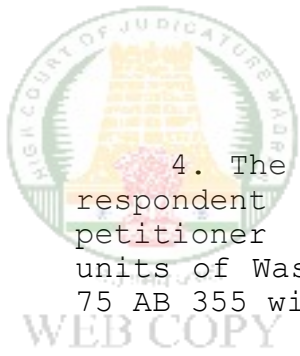
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under **sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.39 of 2022**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported 5 ½ units of Washing Sand in TARRAS LORRY bearing registration No. TN-75 AB 355 without any valid licence. Hence the respondent police registered the case against this petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any such offences as alleged by the prosecution and that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioner stating that the petitioner illegally transported 5 ½ units of Washing Sand in TARRAS LORRY bearing registration number TN-75 AB 355 without any valid licence.

5. Considering the facts and circumstances of the case, the custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 District Munsif-Cum-Judicial Magistrate, Sendurai** 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 condition that:

(a) 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;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioner shall report before the respondent police as and when required for interrogation.**

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

(e) 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;



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

-sd/-

11/05/2022

WEB COPY

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 DISTRICT MUNSIF-CUM  
JUDICIAL MAGISTRATE, SENDURAI, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+1 CC to M/S. P.CHINNADURAI Advocate on payment of necessary  
charges SR.NO.6946

CRL OP.10931/2022

Date :11/05/2022

TA-13/05/2022