



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.10957 of 2022

KANDAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.89 OF 2022.

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

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

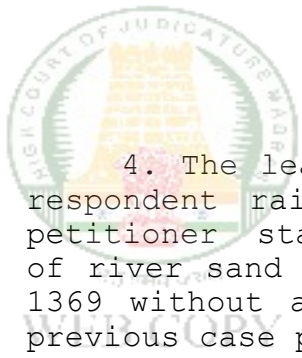
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 the Mines and Minerals (Development and Regulation) Act 1957 in Crime No.89 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.05.2022, the petitioner transported 1/2 unit of river sand in a TATA ACE vehicle bearing registration No. TN31 AD 1369 without any licence. Hence the respondent police registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person 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.



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 1/2 unit of river sand in a TATA ACE vehicle bearing registration No. TN31 AD 1369 without any licence. He would further submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and the fact that there is no previous case pending against the petitioner, 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 Judicial Magistrate No.II, Mannargudi, Thiruvavur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-only (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.

WEB COPY

-sd/-
11/05/2022

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.II, MANNARGUDI, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.6951

CRL OP.10957/2022

Date :11/05/2022

JPA 13/05/2022