



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.10973 of 2022

1 THIRUPATHY
2 MARIYAPPAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
TIRUPATTUR DISTRICT.
CRNO.81/2022.

[RESPONDENT]

For Petitioner : M/S.M.NAGOOR MOIDEEN Advocate

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

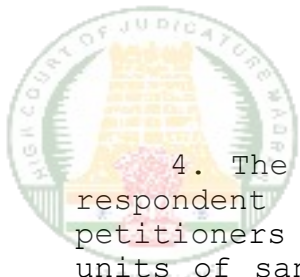
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under **sections 379, 430 of IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act 1957 in Crime No.81 of 2022**, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported 2 units of sand in a lorry bearing registration No. TN-46 Q 6126 without any licence. Hence the respondent police has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution and that they have 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 petitioners stating that the petitioners illegally transported 2 units of sand in a lorry bearing registration No.TN-46 Q 6126 without any licence. He would further submit that there is no previous case pending against the petitioners.

5.Considering the facts and circumstances of the case and the fact that there is no previous case pending against the petitioners, the custodial interrogation of the petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court No.II, Tirupattur**, on condition that each of the petitioners 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 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;

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

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

(d) the petitioners 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 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;



(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, TIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
TIRUPATTUR DISTRICT.

+1 CC to M/S.M.NAGOOR MOIDEEN Advocate on payment of necessary charges SR.NO.7033

CRL OP.10973/2022

Date :11/05/2022

TA-12/05/2022