



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.10991 of 2022

1 ARUL POORASAMY
2 SIVANESAN

[PETITIONERS/ ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
(CRIME NO.97/2022)

[RESPONDENT]

For Petitioner : M/S.ALI HASSAN KHAN Advocate

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

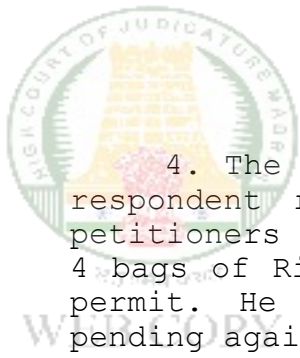
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.97 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.04.2022 at about 07.00 p.m., the petitioners were found illegally transporting 4 bags of River Sand in an unregistered Scooter-Super XL without any permit. Hence the respondent police registered the 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 had illegally transported 4 bags of River Sand in an unregistered Scooter-Super XL without any permit. 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 No.I, Jayamkondam on condition that each of the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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.I, JAYAMKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary charges SR.No.6988

CRL OP.10991/2022

Date :11/05/2022

CSK 13/05/2022