



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.11156 of 2022

STALIN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
PENNADAM POLICE STATION,
CUDDALORE DISTRICT
CRIME NO.438 OF 2022

[RESPONDENT]

For Petitioner : M/S.K.KARUPPAIYA MOOPPANAR Advocate

For Respondent : MR.S.SUGENDRAN, Additional public Prosecutor

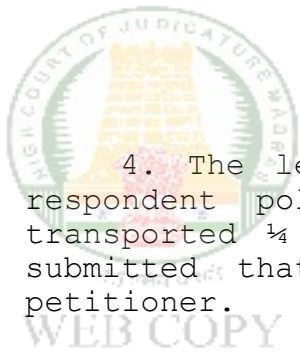
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 379, 430 of IPC and r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.438 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported $\frac{1}{4}$ units of river sand by using bullock cart without any permit.

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



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has illegally transported ¼ units of river sand without any permit. He further submitted that there is no previous case pending against this petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against this petitioner. 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Tittagudi, Cuddalore District, on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), 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 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 have been imposed and the petitioner is 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,
TITTAGUDI, CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PENNADAM POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.KARUPPAIYA MOOPPANAR Advocate on payment of
necessary charges SR.NO.7029

CRL OP.11156/2022

Date :11/05/2022

JPA 13/05/2022