



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11531 of 2022

1 KUMAR
2 RAJESH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.73/2022)

[RESPONDENT]

For Petitioner : M/S.A.ARUNKUMAR Advocate

For Respondent : MR.R.KISHORE KUMAR, 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 at the hands of the respondent police for the alleged offences punishable under **Section 379 and 430 of IPC r/w Section 21(i) & 36(A) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.73 of 2022**, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported twenty units of river sand through two lorries(each containing 10 units), illegally.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved in this case is twenty units of river sand and the vehicles and the sand were



seized. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, this Court is of the opinion that the petitioners may be directed to make a non refundable deposit for the improvement of the infrastructure in the **Government High School, Athikadai, Thiruvavarur District - 613 702**, and this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to make a non refundable deposit of **Rs.3,00,000 (Rupees three lakhs only)** to the credit of the account stands in the name **"HM GOVT HS ATHIKKADAI" A/c No.30176750175, SBI Branch, Koradacheri IFSC:SBIN0061705**, for the improvement of the infrastructure in the Government High School, Athikkadai, Thiruvavarur District-613 702, and on such deposit 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 on which the order copy made ready, before the **learned Judicial Magistrate-I Thiruvallur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** each 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall make a non refundable deposit of **Rs.3,00,000/- (Rupees three lakhs only)** to the credit of the account stands in the name **"HM GOVT HS ATHIKKADAI" A/c No.30176750175, SBI Branch, Koradacheri IFSC: SBIN0061705** for the improvement of the infrastructure in the Government High School, Athikkadai, Thiruvavarur District 613 702.

[c] the petitioners shall report before the respondent police daily at 10.30 for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] 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 have 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE GOVERNMENT HIGH SCHOOL,
ATHIKKADAI, THIRUVARUR DISTRICT 613 702.
HM GOVT HS ATHIKKADAI" A/C NO.30176750175,
SBI BRANCH, KORADACHERI IFSC: SBIN0061705.

+1 CC to M/S.A.ARUNKUMAR Advocate on payment of necessary charges SR.NO.7516

CRL OP.11531/2022

Date :19/05/2022

TA-24/05/2022