



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.11541 of 2022

KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.
(CRIME NO. 206 OF 2022)

[RESPONDENT]

For Petitioner : M/S. R.PARTHIBAN 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Section 379 of IPC r/w Section 21(i) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.206 of 2022**, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported three units of red sand through a lorry, without any valid license.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity involved in this case is three units red sand and one previous case is pending against the



petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to make a non refundable deposit of **Rs.45,000/- (Rupees forty five thousand 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, Thiruvarur District-613 702, and on such deposit 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 on which the order copy made ready, before the **learned Judicial Magistrate-II, Mettur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall make a non refundable deposit of Rs.45,000/- (Rupees forty five thousand 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, Thiruvarur District 613 702.

[c] **the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have 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]**.

[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.II, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

5 THE HEAD MASTER
GOVERNMENT HIGH SCHOOL,
ATHIKKADAI, THIRUVARUR DISTRICT-613 702.

+1 CC to M/S. R.PARTHIBAN Advocate on payment of necessary charges SR.NO.7635

CRL OP.11541/2022

Date :19/05/2022

TA-25/05/2022