



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.11735 of 2022

1 SATHISHKUMAR
2 PADMAVATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE
KODAVASAL POLICE STATION
THIRUVARUR DISTRICT
CRIME NO.249 OF 2022

[RESPONDENT]

For Petitioners : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

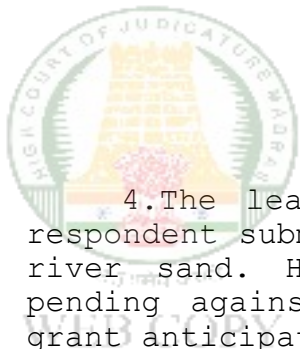
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.249 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 05.05.2022 at about 4.00 a.m. while the defacto complainant Sub-Inspector of Police on prohibition duty, found that the petitioners herein illegally transported 1 unit of river sand in a tractor without the permission of the government.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case by the defacto complainant with an ulterior motive. Hence, they pray to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the quantity of sand involved is one unit of river sand. He further submitted that there is no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking note of the facts and circumstances, 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, Athikkadai, Thiruvarur 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.15,000/- (Rupees Fifteen 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Thiruvarur, Thiruvarur District, 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.15,000/- (Rupees Fifteen 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 petitioners shall report before the respondent police daily at 10.30a.m. 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 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,
THIRUVARUR, THIRUVARUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KODAVASAL POLICE STATION
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR.NO.7315

CRL OP.11735/2022

Date :19/05/2022

JPA 25/05/2022