



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12334 of 2022

PANDU

[PETITIONER / ACCUSED]

Vs

THE STATE,
THE INSPECTOR OF POLICE
AMBUR TALUK POLICE STATION,
TIRUPATTUR DISTRICT.
CRIME NO.833 OF 2020.

[RESPONDENT]

For Petitioner : M/S.T.DHASARTHAN Advocate

For Respondent : MR.V.MEGHANATHAN, 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 u/s 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.833 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is alleged to have transported 3 units of lake sand illegally in a Tractor.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that this Court has already granted anticipatory bail in Crl.OP No.15895 of 2021 on 02.09.2021 with a condition to deposit 10,000/- in the District Mineral Foundation Trust. and further to execute sureties within 15 days from the date of receipt of copy of the order. Thereafter, the petitioner fell sick due to corona and unable to execute the sureties. Therefore, the petitioner filed 2nd anticipatory bail petition. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 3 units of lake sand. He further submitted that there are four previous cases pending against the petitioner. He further submitted that the petitioner is the owner cum driver of the lorry. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In view of the above, this Court finds that the petitioner had already paid the amount to the District Mineral Foundation Trust and the reasons given by the petitioner is reasonable and therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 petitioner 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 report before the respondent police daily at 10.30 for a period of two weeks and thereafter as and when required for interrogation.

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

[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 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].



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

WEB COPY

-sd/-
26/05/2022

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,
AMBUR, TIRUPATTUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
AMBUR TALUK POLICE STATION,
TIRUPATTUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.DHASARTHAN Advocate on payment of necessary charges SR.NO.8157

CRL OP.12334/2022

Date :26/05/2022

JPA 01/06/2022