



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12167 of 2022

1 RAJAVEL [PETITIONERS / ACCUSED]
2 VIJAYABABU @ BABU

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.277 OF 2022)

For Petitioner : M/S.M.PRAKASH Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

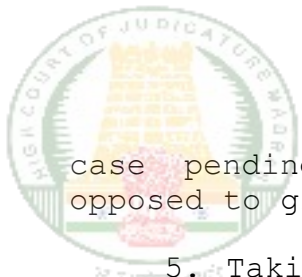
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s 379 and 430 IPC and 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.277 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported soil 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 petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the huge quantity of sand was transported illegally. He further submitted that three previous cases similar in nature are pending against the 1st petitioner and there is no previous



case pending against the 2nd petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and in so far as 1st petitioner is concerned, there are three previous cases similar in nature pending against the petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner.

6. Considering the facts and circumstances and in so far as 2nd petitioner is concerned, there is no previous case against him, this Court is of the opinion that the 2nd 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 2nd petitioner alone with certain conditions.

6. Accordingly, the 2nd petitioner is directed to make a non refundable deposit of Rs.10,000/- (Rupees ten 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 2nd 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-1, Villupuram on condition that the 2nd 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 2nd 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 2nd petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees ten 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 2nd 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 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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/-

20/05/2022

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.1, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT.

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

+1 CC to M/S.M.PRAKASH Advocate on payment of necessary charges
SR.NO.7613

CRL OP.12167/2022

Date :20/05/2022

TA-25/05/2022