



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.12216 of 2022

SUNDAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY,
INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.436/ 2021.

[RESPONDENT]

For Petitioner : M/S T.MURUGANANTHAM Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

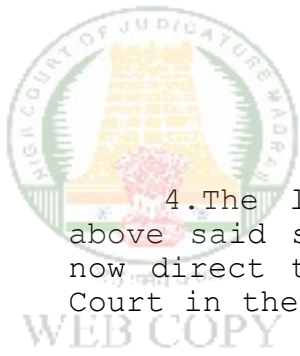
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 IPC r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act in Cr.No.436 of 2021, 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 illegally transported 3 bags of river sand in a TVS XL.

3. The learned counsel appearing for the petitioner would submit that already, this Court by an order dated 24.08.2021 in Crl.O.P.No.15004 of 2021, granted anticipatory bail to the petitioner with a condition that the petitioners shall deposit a sum of Rs.20,000/- to the credit of concerned District Mineral Foundation Trust. However, the petitioner is not able to deposit the above said sum as directed by this Court, due to Covid-19.



4. The learned Additional Public Prosecutor also confirmed the above said submission. However, he would submit that this Court may now direct the petitioner to deposit the amount as directed by this Court in the earlier order.

5. Considering the submissions made by the learned counsel on either side, this Court is of the opinion that the petitioner may be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for rehabilitation works.

6. It is made clear that the deposit of the amount by the petitioner to the Trust would not amount to admission of guilt. The Trial Court shall deal with the case independently, on merits, without reference to the amount deposited at the stage of anticipatory bail.

7. Considering above said facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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 No.1, Jayankondam, 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.20,000/- (Rupees Twenty Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;



[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.I, JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
ARIYALUR DISTRICT.

+1 CC to M/S T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 7463

CRL OP.12216/2022

Date :19/05/2022

RW-25/05/2022