



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.12228 of 2022

1 KAMARAJ
2 SEKAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIKRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT
CRIME NO.134/2021

[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 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.134 of 2021, 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 $\frac{1}{4}$ unit of river sand illegally.

3. The learned counsel appearing for the petitioners would submit that already the petitioners were granted anticipatory bail by this court in CrI.O.P.No.593 of 2022 dated 12.01.2022 on condition that the petitioners shall deposit a sum of Rs.3000/- each to the credit of Registered Advocates Clerks Association, Ariyalur, however, the petitioners are not able to surrender before the Judicial Magistrate,



Omalur, Salem and failed to execute the sureties. He would also submit that they are innocent persons and they have not committed any of alleged offence. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is $\frac{1}{4}$ unit of sand. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, and also considering the fact that the petitioners are not able to surrender before the Judicial Magistrate, Omalur, Salem and failed to execute the sureties, this Court is of the opinion that the petitioner may be directed to deposit a sum of Rs.3000/- (Rupees three thousand only) each as non refundable deposit to the credit of the concerned Registered Advocate Clerks' Association, Ariyalur, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.3000/- (Rupees three thousand only) each as non refundable deposit to the credit of the Registered Advocates Clerks Association, Ariyalur and on such deposit the petitioners are 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 No.1, Jayamkondam 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 deposit a sum of Rs.3000/- (Rupees three thousand only) each as non refundable deposit to the credit of the registered Advocates Clerks Association, Ariyalur.



[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.

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[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/-
20/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, JAYAMKONDAM.

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

3 THE INSPECTOR OF POLICE,
VIKRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, ARIYALUR.

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+1 CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO. 7724

CRL OP.12228/2022

Date :20/05/2022

RW-27/05/2022