



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.12213 of 2022

1 A.PRABHU
2 SAGUNTHALA

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.973 OF 2021.

[RESPONDENT]

For Petitioners : M/S.S.SENTHILKUMAR Advocate

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

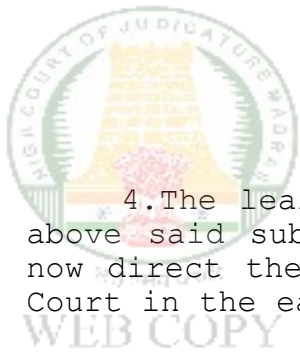
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Cr.No.973 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 illegally transported black stones without any license or travel pass through Eicher Tipper Lorry.

3. The learned counsel appearing for the petitioners would submit that already, this Court by an order dated 18.08.2021 in Crl.O.P.No.14685 of 2021, granted anticipatory bail to the petitioners with a condition that the petitioners shall deposit a sum of Rs.10,000/- to the credit of Chairman/District Collector, District Mineral Foundation Trust. However, the petitioners are not able to deposit the above said sum as directed by this Court, due to Covid-19.



4. The learned Government Advocate (crl. side) also confirmed the above said submission. However, he would submit that this Court may now direct the petitioners 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 petitioners may be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their 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 petitioners 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 petitioners with certain conditions.

8. Accordingly, 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, Rasipuram, 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.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

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



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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

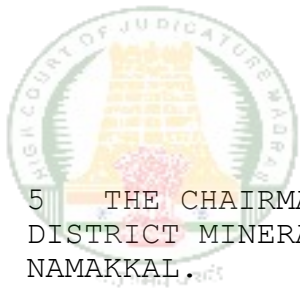
TO

1 THE JUDICIAL MAGISTRATE,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

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+1 CC to M/S.S.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.7628

CRL OP.12213/2022

Date :19/05/2022

JPA 25/05/2022