



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.12473 of 2022

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.185 OF 2022)

[RESPONDENT]

For Petitioner : M/S.K.ELUMALAI Advocate

For Respondent : MR.C.E.PRATAP, 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 offence punishable under Sections 379, 430 IPC r/w 21(1) of Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.185 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported one unit of river sand in a lorry bearing Registration No.TN 31 F 9793 and two wheeler Passion Pro bearing Registration TN 20 CB 2782 without any valid license. Hence, the complaint.

3. According to the petitioner, the petitioner is innocent person and he has been falsely implicated in this case and he is ready to abide by any condition imposed by this Court. Hence, he seeks anticipatory bail.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.



5. Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tiruvallur, 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 learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) before the concerned District Mines and Minerals Foundation Trust as non-refundable deposit, without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A 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,
NO.I, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT MINES AND MINERALS FOUNDATION TRUST,
TIRUVALLUR DISTRICT.

+1CC to M/S.K.ELUMALAI Advocate on payment of necessary charges
SR.No.8051

CRL OP.12473/2022

Date :26/05/2022

CSK 31/05/2022