



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.12450 of 2022

1 KANAKARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
MAIYLADUTHURAI DISTRICT
(CRIME NO. 824 OF 2021)

[RESPONDENT]

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent : M/S.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 petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 I.P.C. r/w Sec. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.824 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 1 unit of river sand illegally by using their vehicle without having valid license. In the said circumstances, a criminal case was registered against the petitioner.

3. The learned counsel for the petitioner would submit that this is the second petition praying for anticipatory bail and co-accused/A2 was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the owner of vehicle and he is having four previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the fact that the co-accused was already released on bail and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Sirkazhi, on condition that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of High Court Legal Services Committee, Chennai within two weeks from receipt of order and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, 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 report before the respondent police daily at 10.30 a.m. for a period of three months.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

16/06/2022

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,
SIRKAZHI.

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

3 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
MAIYLADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
HIGH COURT LEGAL SERVICES COMMITTEE,
CHENNAI.

+1 CC to M/S.J.JAWAHAR Advocate on payment of necessary charges
SR.NO. 9330

CRL OP.12450/2022

Date :16/06/2022

RW-21/06/2022