



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.12467 of 2022

1 SURESH

[PETITIONERS / ACCUSED]

2 RANJITHKUMAR

3 MANI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.235/2022)

For Petitioner : M/S A.SARANRAJ Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

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

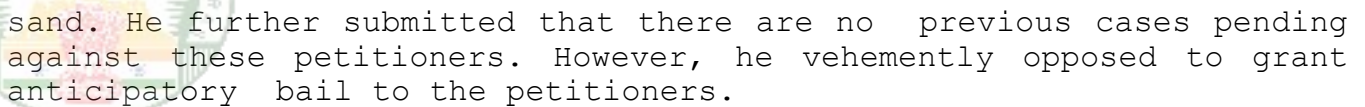
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s 379, 430 of IPC r/w. 21(5) of Mines and Minerals Act in Cr.No.235 of 2022, 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 3 units of klin soil illegally in a JCB lorry.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they are the driver of the lorry. Hence, he prays to grant anticipatory bail to these petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 5 units of



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.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit the petitioners are 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, Cheyyar, Thiruvannamalai District on condition that the petitioners 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:

[b] the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

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



[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/-

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,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUVANNAMALAI DISTRICT.

+1CC to M/S A.SARANRAJ Advocate on payment of necessary charges
SR.No.8049

CRL OP.12467/2022

Date :26/05/2022

CSK 31/05/2022