



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13137 of 2022

JAYAVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANAKAMMA CHATRAM POLICE STATION,
TIRUVALLUR DISTRICT.
(CR.NO.570/2021)

[RESPONDENT]

For Petitioner : M/S.P.SURESH KUMAR Advocate

For Respondent : M/S.V.J.PRIYADARSANA, 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 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.570 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally transported 1 unit of river sand in tractor connected with tipper. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instruction, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.15,000/- to the credit of the Registered Advocate Clerk Association, Thiruvallur District that may be imposed by this Court. He would also submit that the petitioner has already been granted anticipatory bail by this Court in Crl.O.P.No.25159 of 2021 dated 21.12.2021. However,



due to Covid-19 pandemic situation, the petitioner was not able to comply the earlier order passed by this Court. Therefore, the petitioner has again filed the present petition seeking for anticipatory bail.

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4. The learned Additional Public Prosecutor would submit that there are two previous cases pending against the petitioner.

5. Considering the above fact and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, 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, Tiruthani, 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerk Association, Thiruvallur District, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner shall report before the respondent police on every Sunday at 10.30 a.m. until further orders.

[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.

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-sd/-

07/06/2022

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,
TIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANAKAMMA CHATRAM POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
THIRUVALLUR DISTRICT.

+1CC to M/S.P.SURESH KUMAR Advocate on payment of necessary charges SR.No.8575

CRL OP.13137/2022

Date :07/06/2022

CSK 15/06/2022