



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13110 of 2022

1 RAMESH
2 RAJA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THALAVAI POLICE STATION,
ARIYALUR DISTRICT
CRIME NO.181 OF 2021.

[RESPONDENT]

For Petitioners : M/S.M.SELVAM Advocate

For Respondent : MR.S.UDAYA 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 offence punishable under Section 379 of IPC r/w Section 21(i) (ii) Mines & Minerals (Development & Regulation) Act in Crime No.181 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners had illegally transported red sand through JCB bearing Reg.No. TN-61-L-8242. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. Hence he prays anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) raised an objection on the ground that they found that the petitioners had illegally transported red sand in JCB without valid permit.



5.The petitioners herein as moved this Court for the second time for the Anticipatory Bail petition. The earlier Anticipatory Bail was dismissed taking note of the antecedents of the petitioners. Though the anticipatory petition was dismissed two months ago the respondent police so ineffective and not able to apprehend the petitioners.

6.In view of the above fact there is no purpose in dismissing the anticipatory bail petition but allowing the same, so that the petitioners will be reporting before the concerned Magistrate daily and participate in the trial. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Sendurai, Ariyalur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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;

(c) the petitioners shall report before the learned Judicial Magistrate Sendurai, Ariyalur every Monday at 10.30 a.m. until further orders.

(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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
08/06/2022

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,
SENDURAI, ARIYALUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THALAVAI POLICE STATION,
ARIYALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SELVAM Advocate on payment of necessary charges

CRL OP.13110/2022

Date :08/06/2022

JPA 16/06/2022