



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI
CRIMINAL ORIGINAL PETITION No.12856 of 2022

BALAJI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
SUB INSPECTOR OF POLICE,
ALADI POLICE STATION,
CUDDALORE DISTRICT.
CR.NO.430 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.SATHYARAJ Advocate

For Respondent : MR. N.MUTHUVEL, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w.21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.430 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally attempted to excavate pebble stones using a JCB bearing Registration No.TN-31-AV-5797.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed. He further submitted that the petitioner was involved in one previous case.

5. Considering the nature of allegation against the petitioner and the fact that the vehicle has been seized, this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhachalam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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 229-A IPC.

-sd/-

01/06/2022

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,
NO.II, VIRUDHACHALAM



2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
ALADI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SATHYARAJ Advocate on payment of necessary charges
Sr.8363

CRL OP.12856/2022

Date :01/06/2022

RVR 06/06/2022