

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Eighth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15806 of 2022

RAJA

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE  
PADALUR POLICE STATION,  
PERMBALUR DISTRICT.  
CRIME NO.44 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.M.VIJAYARAGAVAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 379 IPC in Crime No.44 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused in this case, in which the petitioner is arrayed as A5. The case of the prosecution is that the defacto complainant who is the Village Administrative Officer of the same locality lodged a complaint stating that on 12.03.2022, inspection was conducted in stone quarry and found that, accused/A1 to A3 were breaking the stones illegally through machines, upon the instruction of A-4 and the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the accused persons/A1 to A3, on the instructions of A4 and the petitioner, were alleged to have broken stones in the stone quarry without prior permission thereby, the complaint was lodged by the VAO of the locality. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 No.II, Perambalur 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 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 two weeks and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
08/07/2022

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, PERAMBALUR.

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

3 THE INSPECTOR OF POLICE  
PADALUR POLICE STATION,  
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR.NO. 11092

CRL OP.15806/2022

Date :08/07/2022

RW-13/07/2022