

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6357 of 2020

BALAJI

[PETITIONER / ACCUSED]

Vs

STATE BY REP. BY ITS [RESPONDENT]
SUB-INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.99 OF 2020

For Petitioner : M/S.P.P.SHANMUGASUNDARAM Advocate

For Respondent : M/S. S.KARTHIKEYAN 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 at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of I.P.C r/w 21(1) of Mines and Minerals (Development Regulation) Act, in Crime No.99 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 20.02.2020, the petitioner is alleged to have transported M-sand illegally in the lorry. Hence, the complaint. सत्यमेव जयते

3.Learned counsel appearing for the petitioner would submit that the petitioner is an authorized supplier for the Government and he is having all valid documents. The respondent has misconstrued the same and foisted a false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has stolen 4 units of M-sand. He further submitted that there was no previous case registered against the petitioner. Hence the complaint.

5.Considering the facts and circumstances, and also taking instructions from the learned Additional Public Prosecutor there was no any antecedent against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.I, Kancheepuram, on condition that the petitioner shall execute a separate 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 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/-
19/03/2020

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.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENNAI PATTU, [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

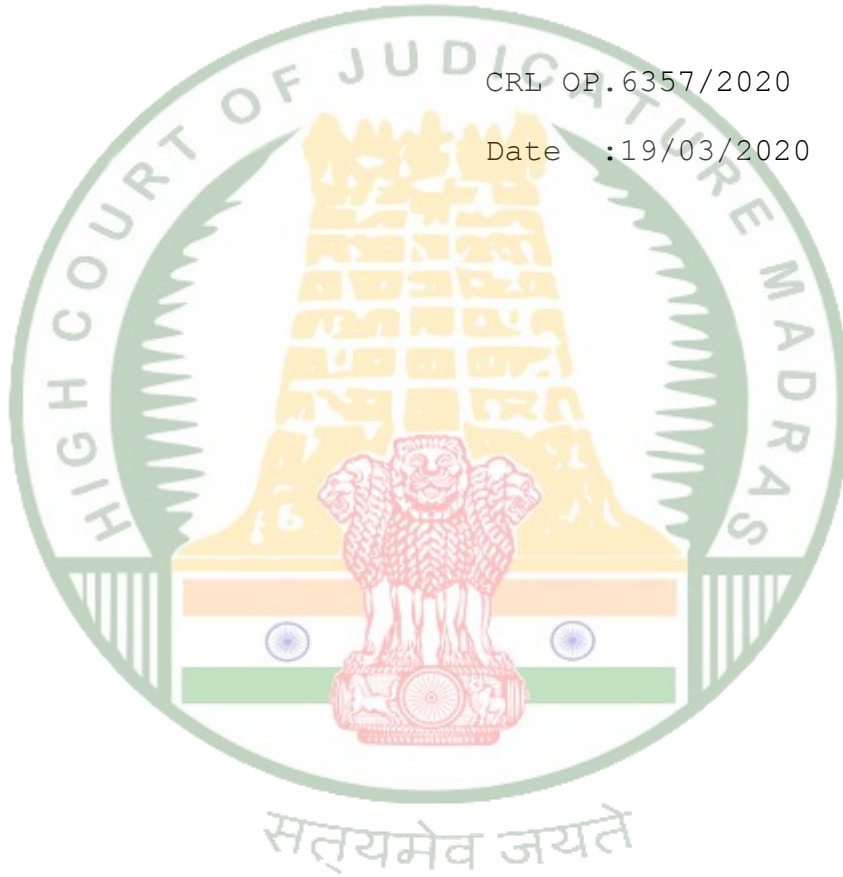
4 THE SUB-INSPECTOR OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.P.P.SHANMUGASUNDARAM Advocate on payment of necessary
charges SR.No.5424

CRL OP.6357/2020

Date :19/03/2020

cs 01/06/2020



WEB COPY