

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10474 of 2020

Sivakumar

... Petitioner/4th Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No. 697 of 2020, pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 697 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the Prosecution is that the Petitioner was found in possession of three units of sand illegally by using Lorry without valid licence. Hence, the complaint.

3 The learned counsel appearing for the Petitioner would submit that the petitioner is not connected with the alleged offences and he has been falsely implicated in the case . He would submit that there is no previous case against the petitioner. He would further submit that without prejudice to his defence, the petitioner is prepared to deposit a considerable amount to any charitable organization. Hence, he prays to grant Anticipatory Bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was found in illegal possession of three units of sand. He would further submitted that there is no previous case pending against the petitioner. Hence, he oppose to grant bail to the petitioner.

5 Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172 and on such deposit and on production of proof, 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, Vellore, 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 every Monday at 10.30am until further orders.

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

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.

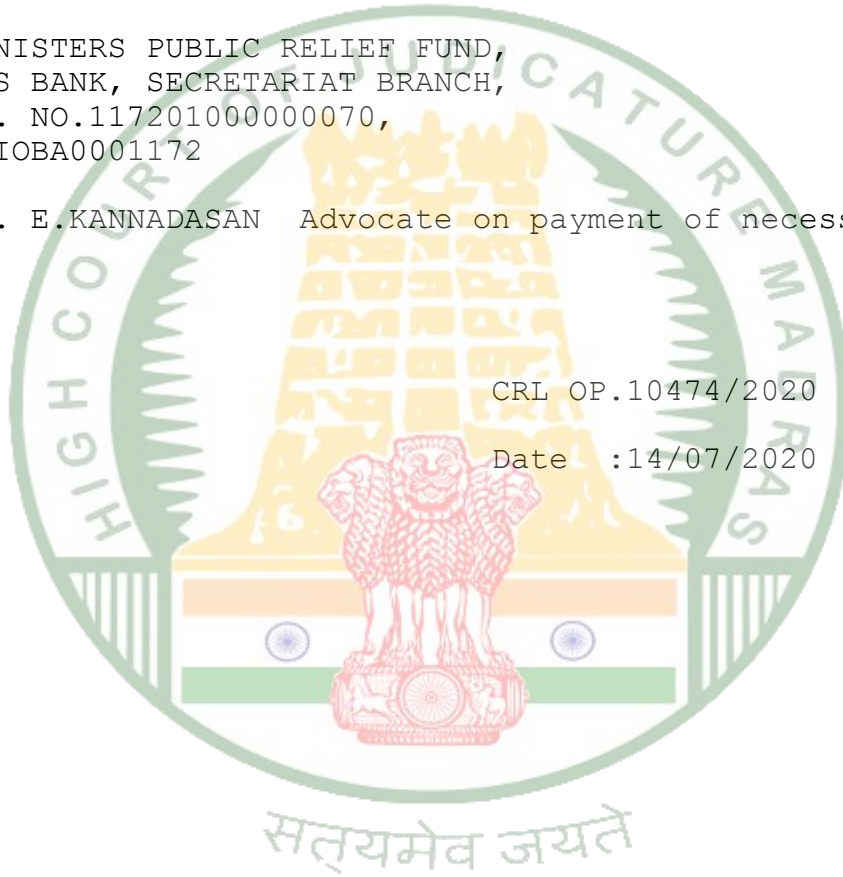
4 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

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

CRL OP.10474/2020

Date :14/07/2020

RVR 03/09/2020



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