

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P.No.10502 of 2020

Manikandan

... Petitioner

-Vs-

State Rep.by the Inspector of Police,
Virudampet Police Station,
Vellore District.

(Crime No. 552 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 552 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The Petitioner, who apprehends arrest at the hands of the Respondent Police, for the offences punishable under Sections 379, 430 of I.P.C., r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No. 552 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2. The case of the Prosecution is that the Petitioner was found in possession of 25kgs of river sand illegally. Hence, the complaint was registered.

3. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the Petitioner, the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand and 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 and prayed for grant of Anticipatory Bail.

5. On the other hand, the learned Additional Public Prosecutor, while opposing to grant anticipatory bail, would submit that the Petitioner was found in possession of 25kgs of river sand, without any valid licence. He further submitted that there is no previous case against the petitioner.

6. 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.5,000/- (Rupees five thousand only) as non refundable deposit to the credit of the Chief Justice Relief Fund 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.III, 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 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 everyday 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.

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

8. For reporting compliance, post on 07.08.2020

-sd/-
14/07/2020

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.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT

5 THE SECTION OFFICER,
ACCOUNT SECTION,
CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS.

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

CRL OP.10502/2020

Date :14/07/2020