

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.209 of 2021

A.Senthil

... Petitioner

Vs.

State: Rep. By'

The Inspector of Police,  
Walajapet Police Station,  
Ranipet District.  
(Crime No.928 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge on bail to the petitioner in the event of his arrest in Crime No.928 of 2020 on the file of the respondent police.

For Petitioner : Mr. G.Saravanan

For Respondent : Mr.S.Karthikeyan  
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 Section 379 and 430 of IPC, in Crime No.928 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner has attempted to take quarry stone illegally from the Government Poramboke Land by using a Tractor, bearing registration No.TN-20 BC-7687, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the driver of the vehicle and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner, who is the driver of the vehicle had attempted to take rock from the Government poramboke land. He further submitted that there is no previous case pending against the petitioner.

5. Taking note of the facts and circumstances and also of the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is ordered to be released on bail in the event of his arrest or his appearance within a period of fifteen days from the date on which the order copy made ready, before the learned the Judicial Magistrate No.II, Walajapet, Ranipet District, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] 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 the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

11/01/2021

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, WALAJAPET, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

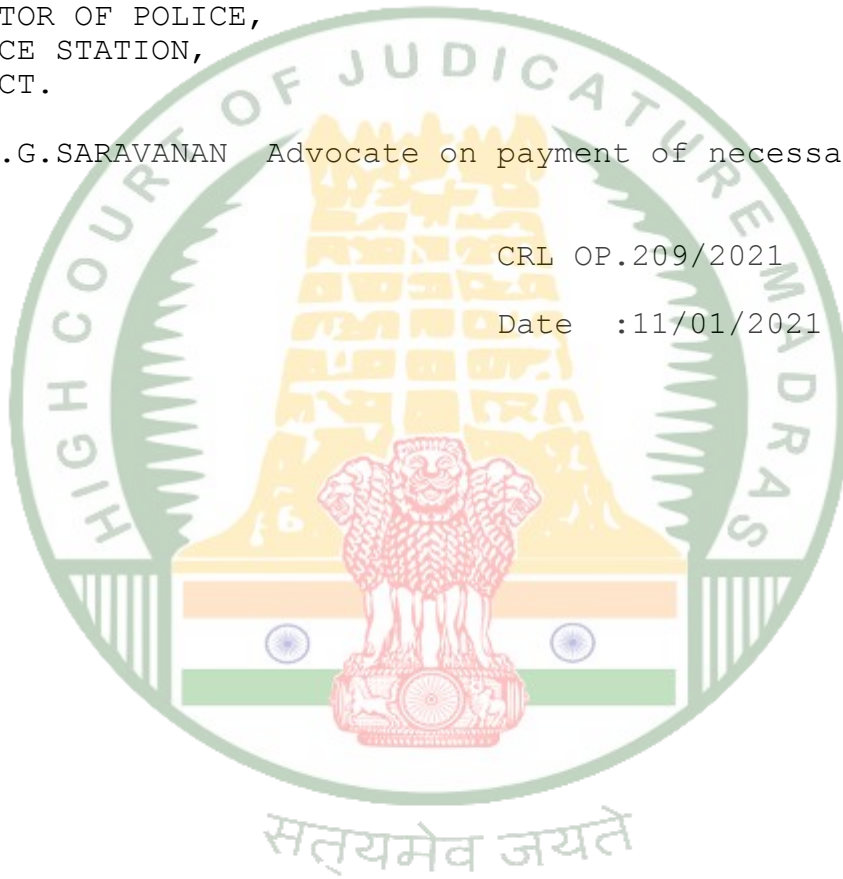
4 THE INSPECTOR OF POLICE,  
WALAJAPET POLICE STATION,  
RANIPET DISTRICT.

CC to M/S.G.SARAVANAN Advocate on payment of necessary charges

CRL OP.209/2021

Date :11/01/2021

RVR 02/02/2021



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