

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.560 of 2021

Govindharaj

... Petitioner/Sole Accused

-Vs-

The State rep. By

... Respondent/Complainant

The Inspector of Police,

Omalur Police Station,

Salem District.

(Crime No.1127 of 2020)

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.1127 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC read with 21(1) MMDR Act 1957, in Crime No.1127 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has transported three units of gravel sand illegally by using his Tipper Lorry bearing registration No.TN-65-I-6735, without any valid licence. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner never indulged in any such offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner transported three units of gravel sand by using Tipper Lorry bearing Registration No. TN-65-I-6735 without any valid permission. He would submit that the petitioner is the owner of the vehicle and the respondent police seized the vehicle with 3 units of gravel sand. He further submitted that there are no previous cases pending against the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the fact that the entire contraband has already been seized and there is no previous case, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

[a] the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Omalur, on executing a 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:

[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 as and when required.

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

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

-sd/-
20/01/2021

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.740

CRL OP.560/2021

Date :20/01/2021

TA-29/01/2021

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