

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.541 of 2021

1.K.Manoj @ Manoj Kumar
2.S.Sanjai

... Petitioners/Accused
No.2 and 3

-Vs-

State rep by,
Inspector of Police,
Padalam Police Station,
Kancheepuram District.
(Crime No.1094 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioners on bail in the event of their arrest in Crime No.1094 of 2020 on the file of the respondent police.

For Petitioners: Mr.G.Mageshkumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioners, who were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC and r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.1094 of 2020, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners have transported 500 Kgs of river sand illegally by using his Auto bearing registration No.TN02 P 7520, without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instruction, he would further submit that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners transported 250 Kgs of river sand illegally by using Auto bearing Registration No.TN02 P 7520 without any valid permission. He further submitted that there are no previous cases pending against the petitioners.

5.Heard the learned counsel appearing for the petitioners 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 petitioners with the following conditions:

[a] the petitioners are ordered to be released on bail in the event of their 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 No.I, Chengalpattu, 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
22/01/2021

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.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
KANCHEEPURAM.

+1 CC to M/S G.MAGESHKUMAR Advocate on payment of necessary charges SR NO. 776

CRL OP.541/2021

Date :22/01/2021

MN-02/02/2021

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