

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.632 of 2021

Udhayakumar

.. Petitioner/A2

Vs.

State represented by
Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.928 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.928 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC in Crime No.928 of 2020 on the file of the respondent police, the petitioner seek anticipatory bail.

2. The case of the prosecution is that on 13.08.2020 at about 07.00 hrs when the respondent police and his subordinates were in patrol duty they noted that some of the persons were quarrying sand to the lorry by using JCB, on seeing the police, they escaped from the place of occurrence and the respondent police went and made search and found 1 unit of sand available in the lorry. On enquiry they came to know that A1 is the owner of the lorry and JCB and the petitioner/A2 is the driver of the JCB. Hence, the respondent police registered a case against the petitioner/A2.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and hence, he pray to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner/A2 was the driver of the JCB used for loading sand. He further stated that A1 was arrested and released on bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) Accordingly, 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Pochampalli, on condition that the petitioner shall execute 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for 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 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.

6. 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POCHAMPALLI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

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

सत्यमेव जयते

CRL OP.632/2021

Date :20/01/2021

WEB COPY

MN-29/01/2021