

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.600 of 2021

Nagaraj @ Maical

.. Petitioner

Vs.

State represented by
Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(Crime No.2380 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.2380 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.N.Sudharsan

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

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 and 430 of IPC and Section 36(A) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.2380 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 06.00 a.m. when the police were on duty rounds they found some persons attempting to load sand in two lorries with the help of JCP. On seeing the police party they parked their vehicles and try to fled from the scene of occurrence. On inspection they found three units of river sand in each vehicle. Hence, the respondent police registered a case against the petitioner.

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

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was trying to transport river sand unauthorizedly.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.20,000/- without prejudice to his defence.

6. 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 Judicial Magistrate No.II, Poonamallee, 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 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Tamil Nadu Advocate Clerks Association, Indian Bank, High Court Branch, (A/c.No.484026006, IFSC No.IDIB 000 M 157), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court ;

(d) 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.

(e) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) 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].

(h) If the accused thereafter absconds, 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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157.

CC to M/S.N.SUDHARSAN Advocate on payment of necessary
charges

CRL OP.600/2021

Date :20/01/2021

MN-29/01/2021