



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.820 of 2021

Dinesh Kumar

... Petitioner/A4

Vs.

State: Rep. By'
The Inspector of Police,
Rathinagiri Police Station,
Ranipet District.
(Crime No.278 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.278 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.P.Sivakumar

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 offences punishable under Section 379 and 430 of IPC, in Crime No.278 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused had transported 100 kgs of river sand illegally from the Kizhminnal Burial by using a Two Wheeler, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would 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 and other accused were carrying 100 kgs of river sand in a two wheeler, without any valid



license. He further submitted that there are two 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 District Munisif cum Judicial Magistrate, Arcot, 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 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.

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-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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT, RANIPET DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RATHINAGIRI POLICE STATION,
RANIPET.

+1 CC to M/S G.P.SIVAKUMAR Advocate on payment of necessary
charges SR NO. 787

CRL OP.820/2021

Date :22/01/2021

MN-01/02/2021