

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2545 of 2021

Thiyagarajan

... Petitioner

Vs.

State rep by
The Inspector of Police,
Mallur Police Station,
Salem District.
(Cr.No.627 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.627 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Subash

For Respondent : Mrs.Krithika Kamal.P
Additional Public Prosecutor(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C. And Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.627 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal side) for the respondent.

3.The petition for anticipatory bail is for illicit transport of one unit of building stone (i.e., Basement Black Stone). Earlier when the petitioner moved for anticipatory bail, this Court dismissed the same on the ground that the petitioner absconded from the scene abandoning the vehicle on being intercepted by the Law Enforcement Agency.

4. Learned Additional Government Pleader appearing for the respondent states that the permit enclosed along with the anticipatory bail petition was not produced at the time of interception.

5. Taking note of the fact that the occurrence took place on 31.08.2020 and substantial investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days, before the learned Judicial Magistrate No.4, Salem, 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] the petitioner and 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 15 days and thereafter as and when required.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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 shall be 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/-

22/02/2021

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.4, SALEM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

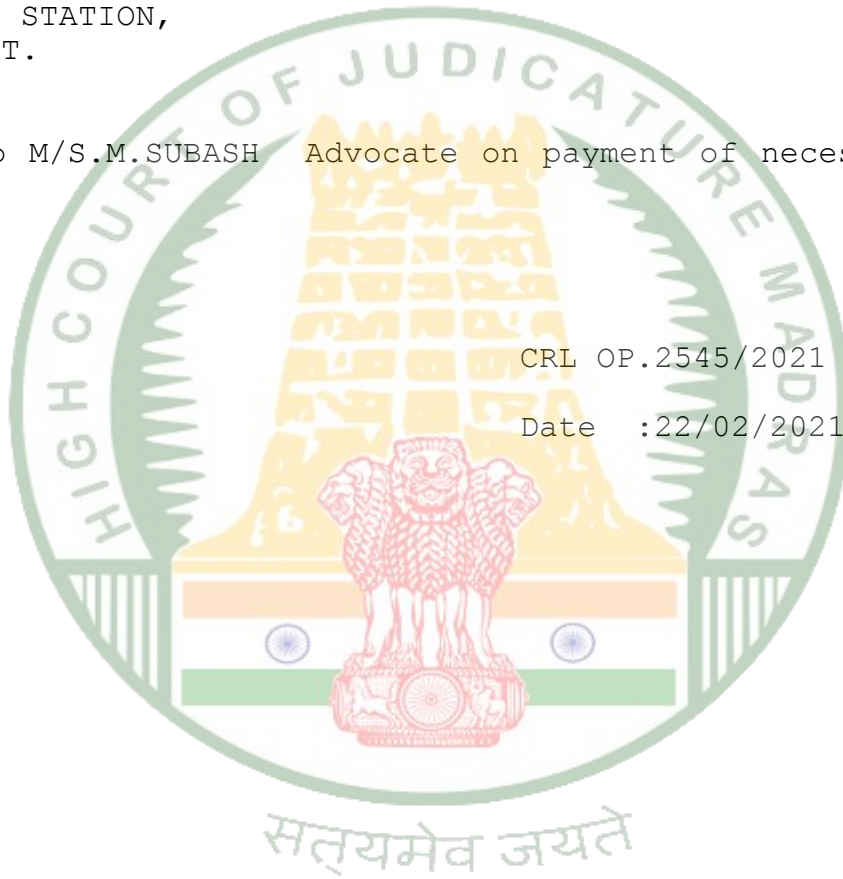
4 THE INSPECTOR OF POLICE,
MALLUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR NO. 2273

CRL OP.2545/2021

Date :22/02/2021

MN-26/02/2021



WEB COPY