IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.1930 of 2021

PONNUSAMI [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.722 OF 2020.

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act in Crime No.722 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant with his subordinates were conducting routine check-up, they intercepted the lorry belonging to the petitioner and on inspection they found 2 units of gravel sand without any valid authorisation. 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 is the owner cum driver of the vehicle and he has transported 2 units of gravel sand unauthorizedly.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.10,000/- without prejudice to his defence.

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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, Thiruchengode, on condition that the petitioner shall execute a separate 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.10,000/-(Rupees ten Thousand only) to the credit of St.Louis Institute for the Deaf and the Blind, Canal Bank Road, Gandhi Nagar, Adyar, Chennai - 600 020, Indian Overseas Bank, Adyar Branch, (A/c.No.000201000025687, IFSC No.IOBA0000002), 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 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].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 ST.LOUIS INSTITUTE FOR THE DEAF AND THE BLIND,
CANAL BANK ROAD, GANDHI NAGAR, ADYAR, CHENNAI - 600 020,
INDIAN OVERSEAS BANK, ADYAR BRANCH,
(A/C.NO.000201000025687, IFSC NO.IOBA0000002)

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO.2177

CRL OP.1930/2021

Date :23/02/2021

MK:12/03/2021

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