

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1693 of 2021

Dhamotharan

.. Petitioner

Vs.

State Rep by
Inspector of Police,
F-2, Sipcot Police Station,
Gummidipoondi Range,
Tiruvallur District,
Crime No.1817 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.1817 of 2020 pending investigation before the respondent.

For Petitioner : Mr.C.Mohan Raj

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, 430 of IPC r/w 21(1) of Mines & Minerals (Development and Regulation) Act, 1957, in Crime No. 1817 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner said to have illegally transported 8 units of Silicon sand in a lorry without any valid permission. Hence the complaint.

3 The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that even though he has transported 8 units of Silicon sand after obtaining necessary approval from the Andrapradesh Government, the Tamil Nadu Police has not allowed his vehicle and seized the lorry and he has been falsely implicated in this case. Accordingly he prays for granting anticipatory bail to the

petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has transported 8 units of Silicon sand in a lorry. He further submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned Counsel and considering that there is no previous antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gummidipoondi, on condition that the petitioner shall execute a separate 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] 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 the interrogation.

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

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

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/02/2021

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,
GUMMIDIPOONDI, TIRUVALLUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-2, SIPCOT POLICE STATION,
GUMMIDIPOONDI, TIRUVALLUR DISTRICT.

+1 CC to M/S.C.MOHAN RAJ Advocate on payment of necessary charges SR NO. 1299

सत्यमेव जयते

CRL OP.1693/2021

Date :04/02/2021

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