

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN
Crl.O.P.No.1611 of 2021

Manikandan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.

(Crime No. 1039 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 in Crime No. 1039 of 2020, pending investigation on the file of the sub-Inspector of Police, Muthandikuppam Police Station, Cuddalore District.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.S.K.Karthikeyan

Additional Public Prosecutor

O R D E R

(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, r/w Section 21(1) of Mines & Minerals (Development and Regulation) Act, 1957, in Crime No. 1039 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner has transported 2 ½ units of pebbles by using tipper lorry without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. 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 arrayed as A2 petitioner, he had illegally transported 2 ½ units of pebbles in Tipper Lorry without any valid licence or permit. Hence he opposes to grant anticipatory bail to the petitioner. He would further submit that the petitioner has no previous cases.

5.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner/A2 subject to the following conditions;

6 Accordingly, the petitioner/A2 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 -I, Panruti, 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 petitioners 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 NO.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
MUTHANDIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

CC to Mr.S.Saravanakumar Advocate on payment of necessary charges

CRL OP.1611/2021

Date :04/02/2021

MK:05/02/2021

WEB COPY