

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1857 of 2021

Kotteswaran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Ambalur Police Station,
Vellore District.
[Crime No.84 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of of his arrest in Crime No.84 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. R.Parthiban

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.84 of 2020 for the alleged offence punishable under Sections 379 and 430 of IPC r/w 21(1) of The Mines and Minerals (Development and Regulations), Act, 1957, seeks anticipatory bail.

2. The petitioner is said to have transported quarter unit of sand without valid license in a bullock cart. On a complaint from the Village Administrative Officer of the village, the present case has been registered.

3. According to the learned Public Prosecutor, there is no previous case pending against the petitioner.

4. 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, Vaniyambadi, on his executing 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, 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.

[d] the petitioner shall report before the respondent police as and when required by the police 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.

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

-sd/-
24/02/2021

WEB COPY

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,
VANIYAMBADI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

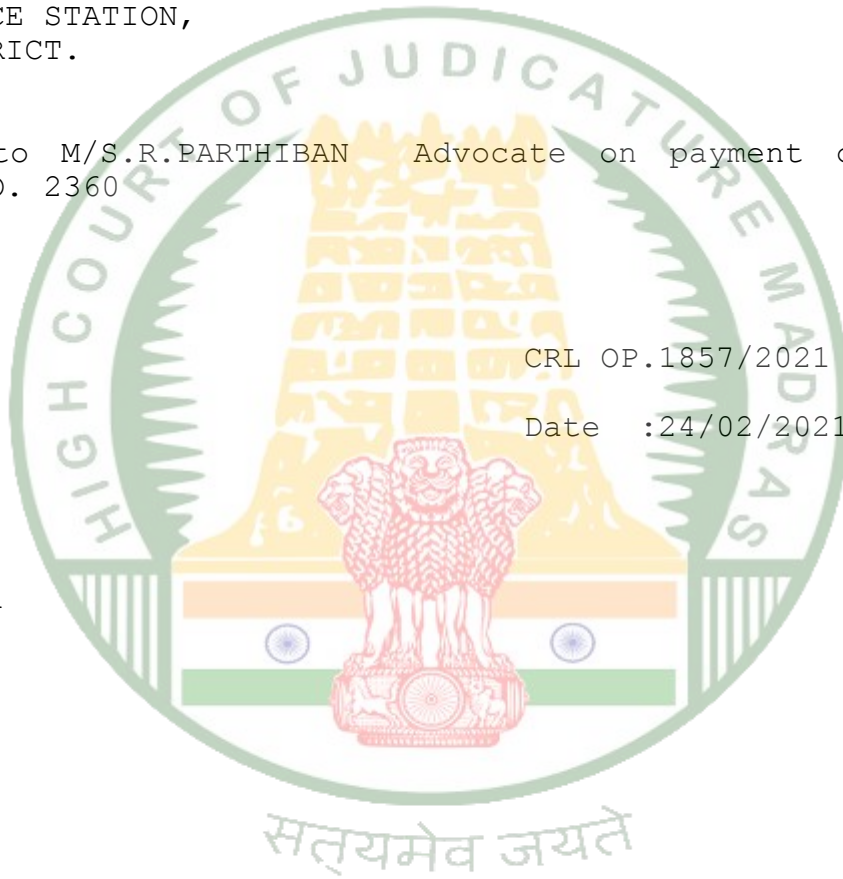
4 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary
charges SR NO. 2360

CRL OP.1857/2021

Date :24/02/2021

MN-05/03/2021



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