

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.1889 of 2021

1 E.RAMESH KUMAR
2 S.MAHENDRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR.
CR NO.60/2020.

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order:-

The petitioners are A1 and A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Section 379 and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.620 of 2020 on the file of the respondent police, the petitioners seek 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 tripper lorry belonging to A1, driven by A2 and on inspection they found 1 unit of gravel sand without any valid authorisation. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner/A1 is the owner and the second petitioner/A2 is the driver of the vehicle and they have transported 1 unit of gravel sand unauthorizedly.

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

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Madatukulam, on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five 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.IOBA00000002), 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioners 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.

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

TRUE COPY

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADATUKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR.

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.IOBA00000002)

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.No.2337

CRL OP.1889/2021

Date :23/02/2021

cs 04/03/2021