

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2407 of 2021

Sadayan

... Petitioner

Vs.

State rep by
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Cr.No.1042 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1042 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Saravanan

For Respondent : Mr.G.Raman
Government Advocate (Crl.Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C. in Crime No.1042 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent.

3.This is the second anticipatory bail application filed by the accused who is facing investigation for the offence under section 379 I.P.C. for illegally transporting one unit of river sand. Earlier, the anticipatory bail petition was dismissed on the ground that the petitioner, owner of the Tractor and Trailor had abandoned the vehicle, when he was intercepted by the respondent police. Since the natural resource illicitly be exploited indiscriminately, this Court

was not inclined to grant anticipatory bail. Even after dismissing anticipatory bail on 22.10.2020, it appears that the respondent police has not shown any interest in securing the petitioner.

4. Learned Government Advocate(Criminal side) submitted that the petitioner has two similar cases against him and he is a habitual offender.

5. When it is alleged that there is a violation of the provisions of Mines and Minerals Act, the F.I.R. Registered against the petitioner is only for theft under Section 379 I.P.C. This gives some force to the contentions of the learned counsel for the petitioner that the case is only put up for the sake of statistics. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days, before the learned Judicial Magistrate, Uthangarai, on condition that the petitioner shall execute 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required.

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

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

[f] On failure to comply the condition or 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.

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

-sd/-
24/02/2021

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,
UTHANGARAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.P.SARAVANAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.2407/2021

Date :24/02/2021

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EP-04/03/2021