

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2075 of 2021

1.Raman
2.Janagiraman

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Thiruthani Police Station
Thiruvallur District.
(Crime No.53 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest in Crime No. 53 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Rajinikanth

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.53 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are said to have transported $\frac{1}{4}$ unit of savvudu sand illegally by using Tractor bearing Registration No.TN 20 AA 5160, without having valid license and Government permission and thereby, the police had seized the vehicle. Hence, the criminal case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they are in no way connected with the alleged offence. He would submit that they have been falsely implicated as accused in this case. On instruction, he would submit that without prejudice to their rights and

contentions, they are prepared to deposit/pay some considerable amount to any charitable organization or association and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner transported $\frac{1}{4}$ unit of savvudu sand illegally by using Tractor without having valid license and hence, the respondent police had seized the vehicle. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, there is no previous case against the petitioner, 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, Thiruthani**, on condition that the petitioner shall execute a 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, 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 petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter, as and when required 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.

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

-sd/-
09/02/2021

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,
THIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUVALLUR.

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

CRL OP.2075/2021

सत्यमेव जयते Date : 09/02/2021

TA-04/03/2021

WEB COPY