

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1962 of 2021

Arul

.. Petitioner/A2

Vs.

State represented by
Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.1603 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1603 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC and Section 21(1)(IV) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.1603 of 2020 on the file of the respondent police, the petitioner seek anticipatory bail.

2. The case of the prosecution is that on 14.09.2020, when the Assistant Director of Mines and Minerals Department was conducting regular ride at Palacode, intercepted a lorry bearing Reg.No.TN57K7687 and found it was transporting 3 units of M.sand without any valid license and government permission and the petitioner immediately run away from the scene of occurrence. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only the driver of the lorry and he did not indulged in any offence, and 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 trying to transport sand without any valid bills and permit.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.10,000/- without prejudice to his defence.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 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, Palacode, 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, 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five Thousand only) to the credit of Ramalinga Adigalar, 2/263, B.Susila Nagar, 2nd Street, Kovilambakkam, Chennai - 600129, (A/c.No.1789115000000373, IFSC No.KVBL0001789), 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner 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 petitioner 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/-

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,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
DHARMAPURI DISTRICT.

5 THE RAMALINGA ADIGALAR,
2/263, B.SUSILA NAGAR, 2ND STREET,
KOVILAMBAKKAM, CHENNAI - 600129,
(A/C.NO.1789115000000373, IFSC NO.KVBL0001789)

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

CRL OP.1962/2021

Date :09/02/2021

cs 16/02/2021

cs 24/02/2021