

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2510 of 2021

1. Thirumal .. Petitioners  
2. Venkatesan

Vs

The State Rep.by ... Respondent  
Station House Officer,  
Kadampuliyur Police Station,  
Cuddalore District.  
(Crime No.50 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant bail to the petitioner in the event of their arrest concerned in Crime No.50 of 2021 on the file of the respondent police.

For Petitioners: Mr.D.Devaraju

For Respondent : Mr.S.Karthikeyan  
Addl. 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 Section 430 and 379 of IPC, r/w Section 21(1) of the Mines and Minerals Act in Crime No.50 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had transported quarter unit of canal semman sand illegally by using a vehicle, without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of Canal Semman sand involved is quarter unit. He further submitted that there is no previous case pending against the petitioner.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Punruti on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (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:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
12/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.II,  
PANRUTI.

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

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

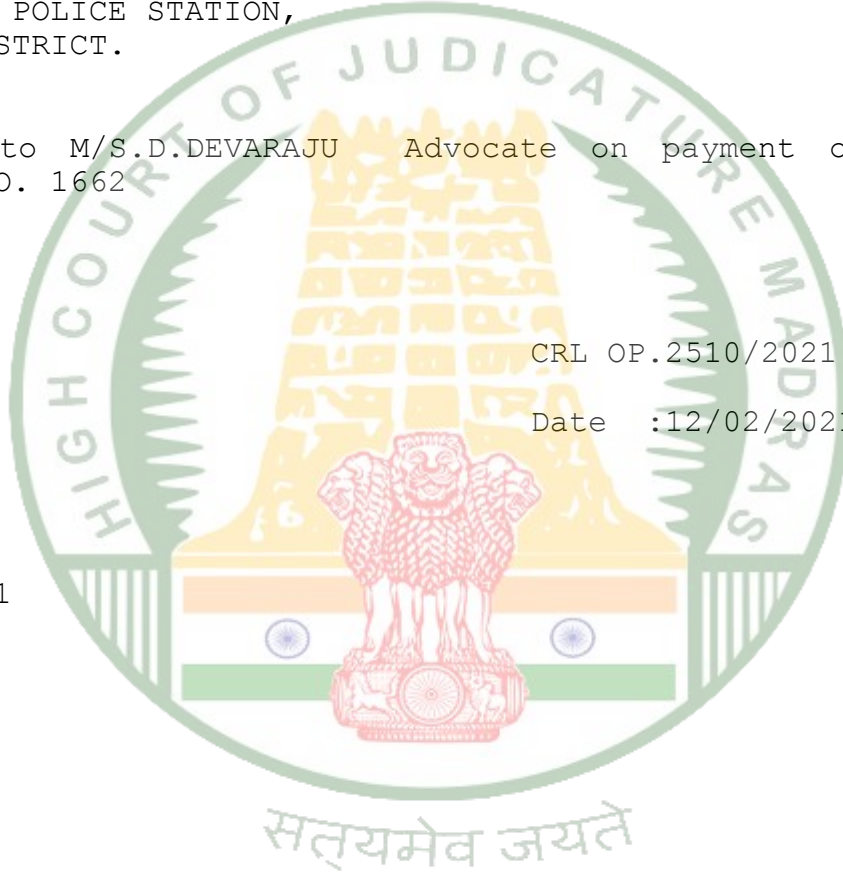
4 THE STATION HOUSE OFFICER,  
KADAMPULIYUR POLICE STATION,  
CUDDALORE DISTRICT.

+1 CC to M/S.D.DEVARAJU Advocate on payment of necessary  
charges SR NO. 1662

CRL OP.2510/2021

Date :12/02/2021

MN-19/02/2021



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