

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3236 of 2021

1. Shakthivel
2. Ramachandran

.. Petitioners

Vs.

State represented by
Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.1852 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of his arrest in Crime No.1852 of 2020 pending trial on the file of the respondent.

For Petitioners: Mr.M.Rajendiran

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

ORDER

(The case has been heard through video conference)

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals Act in Crime No.1852 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were conducting routine check-up, they intercepted the mini lorry belonging to the petitioners and on inspection they found 1 unit of 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 petitioners are the owner and

driver of the vehicle and he has transported 1 unit of sand unauthorizedly.

5. The learned counsel for the petitioners, on instructions, submitted that the petitioners are prepared to deposit a sum of Rs.10,000/- without prejudice to their 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 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, Gudiyatham, 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.10,000/- (Rupees ten Thousand only) to the credit of St.Soosaiyappar Karunai Illam, R.C.Primary School, Punnai Nagar, Holy Cross Road, Nagercoil - 629004, Tamilnad Mercantile Bank Ltd., Nagercoil Branch, (A/c.No.0051 0005 0309 131, IFSC No.TMBL00000005), 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/-
19/02/2021

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,
GUDIYATHAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT.

5 ST.SOOSAIYAPPAR KARUNAI ILLAM,
R.C.PRIMARY SCHOOL, PUNNAI NAGAR,
HOLY CROSS ROAD, NAGERCOIL - 629 004,
TAMILNAD MERCANTILE BANK LTD., NAGERCOIL BRANCH,
(A/C.NO.005100050309131, IFSC CODE: TMBL0000005)

+1 CC to M/S M.RAJENDIRAN Advocate on payment of necessary charges SR NO. 2124

WEB COPY

CRL OP.3236/2021

Date :19/02/2021

MN-26/02/2021