

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2971 of 2021

Vinayagam

.. Petitioner

Vs.

State represented by
Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.2634 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.2634 of 2020 pending trial on the file of the respondent.

For Petitioner : Mr.V.Manimaran

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

O R D E R

(The case has been heard through video conference)

The petitioner 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 & Minerals (Development & Regulation) Act, 1957, in Crime No.2634 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 on routine check up between Karaipoondi to Korarpaakam road, they intercepted the tractor with tripper belonging to the petitioner and on inspection they found 1 units of river sand. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner 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, who is the owner of the vehicle has transported the river sand unauthorizedly.

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, Polur, on condition that the petitioner 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Mercy Home, No.64, Halls Road, Kilpauk, Chennai - 600010, State Bank of India, Kilpauk Branch, (A/c.No.33136923317, IFSC No.SBIN0001853), 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 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/-
17/02/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 MERCY HOME,
NO.64, HALLS ROAD, KILPAUK, CHENNAI - 600010,
STATE BANK OF INDIA, KILPAUK BRANCH,
(A/C.NO.33136923317, IFSC NO.SBIN0001853)

+1 CC to M/S.V.MANIMARAN Advocate on payment of necessary charges
SR.No.1803

CRL OP.2971/2021

Date :17/02/2021

cs 24/02/2021