

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3093 of 2021

Vaithiyalingam

.. Petitioner

Vs.

State represented by
Inspector of Police,
Oomangalam Police Station,
Cuddalore District.
(Crime No.628 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.628 of 2020 pending trial on the file of the respondent.

For Petitioner : Mr.R.Venkatesan

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

ORDER

(The case has been heard through video conference)

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC r/w Section 21(1) of Mines and Minerals Act, 1957 in Crime No.628 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, they intercepted a tractor with tripper belonging to the petitioner and on inspection they found 1 ton of NLC gravel sand without any valid authorisation. 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 is the owner of the vehicle and he has transported 1 unit of NLC Gravel sand

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.5,000/- 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-II, Neyveli, 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.5,000/- (Rupees five 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.TMBL000000005), 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/-
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-II,
NEYVELI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OOMANGALAM POLICE STATION,
CUDDALORE 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.R.VENKATESAN Advocate on payment of necessary charges SR NO. 2055

CRL OP.3093/2021

Date :19/02/2021