

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3644 of 2021

Paramasivam

... Petitioner

Vs.

State by:

... Respondent

The Inspector of Police,
Aladi Police Station,
Cuddalore District.
[Crime No.836 of 2020]

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of of his arrest in Crime No.863 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Vargees Amal Raj

For Respondent : Mr.S.Karthikeyan, APP

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.836 of 2020 for the alleged offence punishable under Sections 379 and 430 of IPC r/w 21(1) of The Mines and Minerals (Development and Regulations) Act, seeks anticipatory bail.

2. The case of the prosecution is that on 03.10.2020, while the respondent police was on regular raid, a lorry bearing Regn. No. TN 56 J 7212 was found transporting two units of illegally mined pebbles. The petitioner is stated to be the driver of the lorry. Hence, a criminal case has been registered against the petitioner on a complaint from the Sub Inspector of Police. The police had seized the vehicle with the smuggled pebbles.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. He further submitted that he has been falsely implicated as accused in this case.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the petitioner has transported pebbles illegally in the lorry entrusted to him without having any valid license and hence, the respondent police had seized

the vehicle with the smuggled pebbles. He, however, submitted that there is no previous case pending against the petitioner.

5. Taking note of the facts and circumstances of the case and also considering the fact there is no previous case reported against the petitioner, 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 his appearance before the learned Judicial magistrate-II, Viridhachalam, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each 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, and on further condition that: -

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 were imposed and the petitioner has been released on bail by the learned Magistrate himself/Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

-sd/-
25/02/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE-II,
VIRIDHACHALAM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

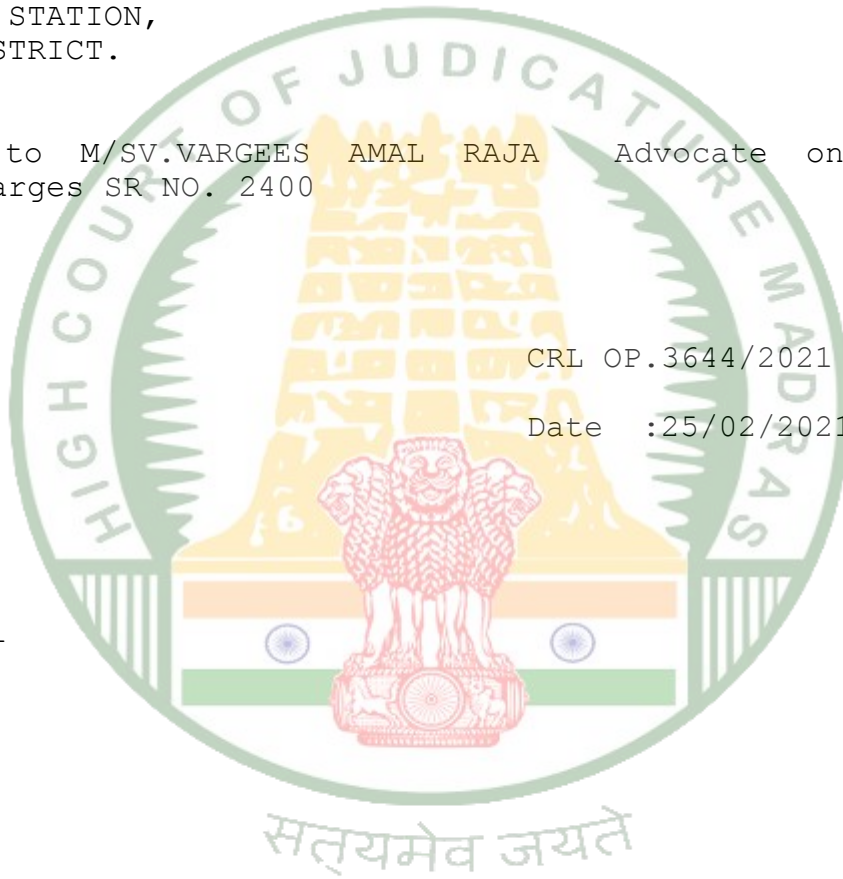
4 THE INSPECTOR OF POLICE,
ALADI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/SV.VARGEES AMAL RAJA Advocate on payment of
necessary charges SR NO. 2400

CRL OP.3644/2021

Date :25/02/2021

MN-12/03/2021



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