

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3788 of 2021

D.ELANGO VAN

[PETITIONER/SOLE ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT
(CRIME.NO.1661/2020)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.SIVARAJAN KITTAPPA Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 of IPC R/W 21 (1) of Mines and Minerals [Development and Regulation] Act, 1957 in Crime No.1661 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported ½ units of River sand by using Bullock Cart, without any valid permission. Hence, a complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner never indulged in any such offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for

the respondent submitted that, the petitioner had illegally transported ½ units of River sand by using Bullock Cart, without any valid permission. She further submitted that there is no previous cases pending as against the petitioner. However, she opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the materials available on record.

6. Considering the fact that the entire contraband has already been seized and there is no previous case, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

[a] 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, Thiruvavarur, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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:

[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 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 have been imposed and the petitioner is 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].

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

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

-sd/-
26/02/2021

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,
THIRUVARUR DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SIVARAJAN KITTAPPA Advocate on payment of necessary charges

CRL OP.3788/2021

Date :26/02/2021

EP-16/03/2021

WEB COPY