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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.11859 of 2021

1. R.Manikandan
2. K.Vijayakumar @ Kutti .. Petitioners

Vs.

State represented by
Inspector of Police,
Nagoor Police Station,
Nagapattinam District.
(Crime No.1537 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 their arrest in Crime No.1537 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.S.Vinoth Kumar
For Respondent : Mr.J.C.Duraiaraj
G.A.(Crl.Side)
- - - - -

O R D E R

(The case has been heard through video conference)

This is the second anticipatory bail application filed by the petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1537 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioners is that they indulged in transportation of six units of savvudu sand by using tipper lorry without any valid licence.



3. Earlier, this Court dismissed the anticipatory bail application filed by the petitioners on 09.02.2021, considering the bad antecedents of the petitioners.

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4. The learned counsel appearing for the petitioners would submit that the first petitioner R.Manikandan is no more. Recording the said submission made by the learned counsel for the petitioners this petition is dismissed as abetted as against the first petitioner.

5. The learned counsel appearing for the petitioner further submitted that the investigation is almost over and that this is the second anticipatory bail application.

6. The learned Government Advocate (Crl.Side) strongly opposed the granting of anticipatory bail to the second petitioner. He submitted that the earlier anticipatory bail application moved by the second petitioner was dismissed by this Court on 09.02.2021, in Crl.O.P.No.2023 of 2021.

7. Heard both sides.

8. Taking into consideration the facts and circumstances of the case, and the fact that the investigation is almost completed and no custodial interrogation is required, this Court is inclined to grant anticipatory bail to the second petitioner, subject to the following conditions:

(a) Accordingly, the second 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 No.II, Nagapattinam, on condition that the second 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 second petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees ten thousand only) through demand draft in favour of the District Medical Officer, Nagapattinam District for the treatment of the COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the second petitioner.



(c) 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.

WEB COPY (d) The second petitioner shall appear before the respondent police as and when required for interrogation.

(e) The second petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The second 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 second petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

9. With the above directions, this Criminal Original Petition is ordered as against the second petitioner.

-sd/-
13/07/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAGOOR POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
NAGAPATTINAM DISTRICT.

CC to M/S. S.VINOTH KUMAR Advocate on payment of necessary
charges

CRL OP.11859/2021

Date :13/07/2021

cs 22/07/2021