

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4311 of 2021

1 ARUMUGAM
2 VENKATACHALAM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.
CRIME NO.468 OF 2020.

[RESPONDENT]

For Petitioner : M/S. L.SANTHOSH KUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.468 of 2020 on the file of the respondent police for the alleged offence u/s 379 of IPC and Section 21(1) of The Mines and Minerals (Development and Regulation) Act, 1957, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioners are stated to be drivers of Tractors. The case of the prosecution is that during their routine raid, on 23.09.2020, the officials of the department of mines found that the petitioners were indulging in mining operations illegally without a valid permit. According to the prosecution, the tractors which were used for the purpose of mining operations and transporting the illegally quarried mines were seized. On a complaint from the Assistant Director (Gen), Salem Zonal Flying Squad, Salem, the case came to be registered against the petitioners.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they are no way connected with the offence. He further submitted that the case has been foisted only for the statistical purpose.

5. The learned Additional Public Prosecutor appearing for the respondent stoutly opposed the petition. He, however, submitted that there is no previous case pending against the petitioners.

6. Considering the facts and circumstances and also considering the fact that there is no previous antecedent reported as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District and Sessions Judge, Salem, Salem District, on each of them 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, 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 petitioners shall report before the respondent police as and when required by the police for interrogation.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners have 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/03/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SALEM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

+1CC to M/S. L.SANTHOSH KUMAR Advocate on payment of necessary charges SR NO.3553

CRL OP.4311/2021

Date : 17/03/2021

MK:22/03/2021

WEB COPY