

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4806 of 2021

SURESH

[PETITIONER / ACCUSED]

Vs

STATE BY,
INSPECTOR OF POLICE,
RATHINAGIRI POLICE STATION,
RATHINAGIRI,
RATHINAGIRI DISTRICT.
CRIME NO.484 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.P.ARTHI 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 petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.484 of 2018 for the alleged offence punishable u/s 379 and 430 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that on 11.12.2018 at about 04.00 p.m., while the respondent police was on regular raid, the petitioner was found transporting four bags of illegally mined sand in a numberless two wheeler. 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 sand.

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 the case has been foisted only for statistical purpose.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the petitioner has transported sand illegally without a valid permit and hence, the respondent police had seized the vehicle with the smuggled sand. He, however, fairly 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 that there is no previous antecedents 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, Arcot, Vellore District, on his 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, 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/-
10/03/2021

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 JUDICIAL MAGISTRATE,
ARCOT, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
RATHINAGIRI POLICE STATION,
RATHINAGIRI,
RANIPET DISTRICT.

+1CC to M/S.S.P.ARTHI Advocate on payment of necessary charges SR NO.3142

CRL OP.4806/2021

Date :10/03/2021

MK:17/03/2021

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