

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6255 of 2021

RAJA

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.971/2020

For Petitioner : M/S M.SELVAM Advocate

For Respondent : M/S.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.971 of 2020 for the alleged offence punishable u/s 379 and 430 of IPC r/w 21(1) of The Mines and Minerals (Development and Regulation) Act, 1957, seeks anticipatory bail.

2. The case of the prosecution is that on 08.09.2020 at about 02.00 a.m. when the respondent police was on routine raid, a bullock cart was found transporting quarter unit of sand from the river bed. It was intercepted and the driver escaped from the spot. Alleging commission of various offences, crime was registered and the petitioner apprehends arrest.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent of the alleged offence and he is no way connected with the offence. He further submitted that he has been falsely implicated as accused in this case. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the petitioner has indulged in transportation of illegally quarried sand without having a valid license and hence, the respondent police had seized the vehicle with the smuggled sand. He, however, submitted that there is no previous case pending against the petitioner.

5. It appears that substantial part of the investigation is over with the search and seizure. Having regard to the nature of the offences alleged and also the fact that there is no previous case reported as against the petitioner, this 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 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-II, Vridhachalam, on 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, failing which, the petition for anticipatory bail shall stand dismissed 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/-
30/03/2021

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,
NO.II, VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges
SR.No.4255

सत्यमेव जयते

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CRL OP.6255/2021
Date :30/03/2021

cs 08/04/2021