

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5140 of 2021

1 BHARATHI
2 MANIKANDAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.114 OF 2021.

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN Advocate

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

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police in connection with a case registered in Crime No.114 of 2021 for the alleged offence punishable u/s 21(1) of The Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 and 511 of IPC , seek anticipatory bail.

2. The case of the prosecution is that on 04.03.2021 at about 03.00 p.m. when the respondent police was on routine raid, the petitioners were found attempting to quarry sand illegally without a valid license. The petitioners are stated to be the drivers of the numberless JCB and tractor bearing Regn. NO.TN 15 Z 4782 respectively. Hence, a criminal case came to be registered on a complaint from the Sub Inspector of Police. The police had seized the JCB and also the tractor which were used for illicit quarrying and transportation of mines.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent of the alleged offence and they are no way connected with the offence. He further submitted that they have been falsely implicated as accused in this case. The petitioners are 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 petitioners attempted to commit theft of sand and hence, the respondent police had seized the vehicles which were used for illicit quarrying operations. He, however, submitted that there is no previous case pending against the petitioners. 5. Considering the nature of allegations and the other facts and circumstances of the case including the fact that there is no previous antecedents against the petitioner, 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 their appearance before the learned Principal Sessions Judge, Ariyalur, 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 Judge concerned, and on further condition that: -

[b] the petitioners 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 petitioners shall report before the respondent police as and when required for the 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 were 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/03/2021

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 SESSIONS JUDGE
ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.3891

CRL OP.5140/2021

Date :19/03/2021

TA-29/03/2021

सत्यमेव जयते

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