

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.5381 of 2021

1. Tamilvanan ... Petitioners
2. Raja
3. Nilvaukarasan

Vs.

The State Rep. by ... Respondent
The Sub-Inspector of Police,
T.Palur Police Station
Udayarpalayam Taluk,
Ariyalur Dt.
(Crime No.98 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No. 98 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.P.Parthikannan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of I.P.C., in Crime No. 98 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, while the respondent police was in routine vehicle checkup near Kilakkukaadu Kollidam, they found that the petitioners said to have transported ½ unit of river sand in a bullock cart without having valid license. Hence, the criminal case has been registered against the petitioners and now, apprehending arrest, the present petition has been filed seeking for anticipatory bail.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they are no way connected with the offence. She would submit that they have been falsely implicated as accused in this case. Hence, she prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have transported ½ unit of river sand illegally without having valid license. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, there is no previous case 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 District and Sessions Judge, Ariyalur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter as and when required;

[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 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 55601];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/03/2021

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 DISTRICT AND SESSIONS
JUDGE, ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
UDAYARPALAYAM TALUK,
ARIYALUR DISTRICT.

+1 CC to M/S. P.PARTHI KANNAN Advocate on payment of necessary charges SR.NO.3711

CRL OP.5381/2021

Date :18/03/2021

TA-29/03/2021