

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.5455 of 2021

1 KAVIYARASU

[PETITIONER / ACCUSED]

2 UMESH

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.
(CR.NO.111/2021)

For Petitioner : M/S.R.SASIKUMAR 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.111 of 2021 for the alleged offence punishable u/s 379 and 430 of IPC and Section 21(1) of The Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, seek, anticipatory bail.

2. The allegation is that on 21.03.2020 at about 03.00 hours, when the respondent police was on routine raid, the petitioners were found transporting 100 kgs of illegally quarried sand in two different motor cycles. Hence, a criminal case came to be registered on a complaint from the Sub Inspector of Police against petitioners. The police had seized the motor cycles which were used for transporting the illegally mined sand.

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.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the petitioners have indulged in transportation of illegally quarried sand without having a valid license and hence, the respondent police had seized the motor cycles which were used for transporting the illegally mined sand. however, submitted that there is no previous case pending against the petitioners.

5. Considering the nature of allegation made against the petitioners and the other facts and circumstances of the case including 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 their appearance before the learned Judicial Magistrate-I, Tiruvallur, 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, 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 JUDICIAL MAGISTRATE,
NO.I, THIRUVALLAUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.3766

CRL OP.5455/2021

Date :19/03/2021

सत्यमेव जयते

TA-30/03/2021

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