

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.5470 of 2021

E.DAYALAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
DUSI, POLICE STATION,
TIRUVANNAMALAI DISTRICT
(CRIME NO.93/2021)

[RESPONDENT]

For Petitioner : M/S R.RAJASEKAR 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.93 of 2021 for the alleged offence punishable u/s 379 and 430 of IPC r/w Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, seeks anticipatory bail.

2. The allegation of the prosecution is that on 09.03.2021 at about 07.30 hours a bullock cart was found transporting 1/4 unit river sand. It was intercepted and the driver and another 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.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition. He, however, submitted that there is no previous case pending against the petitioner.

5. Considering the nature of allegation made against the petitioner and the other facts and circumstances of the case including the fact that there is no previous antecedent reported as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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, Cheyyar, 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/-

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

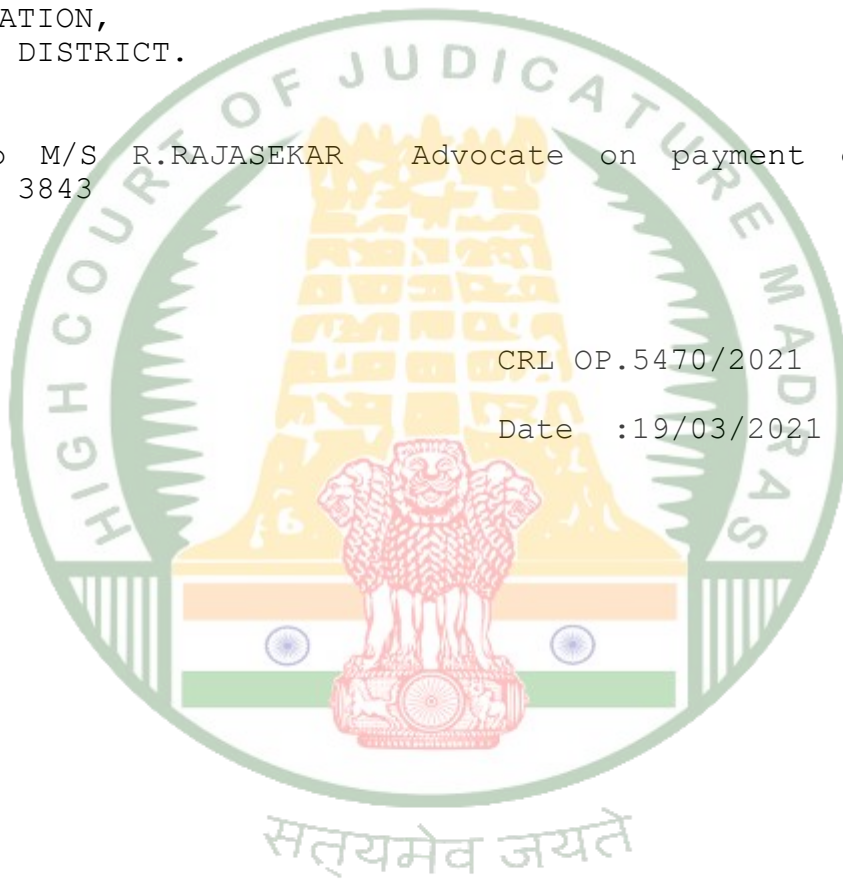
4 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S R.RAJASEKAR Advocate on payment of necessary
charges SR NO. 3843

CRL OP.5470/2021

Date :19/03/2021

MN-26/03/2021



WEB COPY