

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.8374 of 2021

Rajasekaran

... Petitioner

Vs.

The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
(Crime No.117 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.117 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Prakasam

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioner, who apprehends arrest pursuant to the First Information Report registered against him in Crime No. 117 of 2021 under Sections 379 and 430 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, seeks anticipatory bail.

2. The case against the petitioner is that he was found in possession of $\frac{1}{4}$ unit of sand in a bullock cart. The bullock cart has been seized.

3. Considering the nature of the offence and the quantum of sand involved, I am of the opinion that the petitioner could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Virudhachalam, within 15 days from the date of resumption of regular hearings in the said Court, subject to the following conditions:

[a] The petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, failing which, the petition for anticipatory bail shall stand dismissed;

[b] the petitioner and 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 petitioner shall report before the respondent police as and when required for 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 have been imposed and the petitioner 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 5560];

[g] if the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

4. Considering the present situation, the petitioner is granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-

02/06/2021

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,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

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

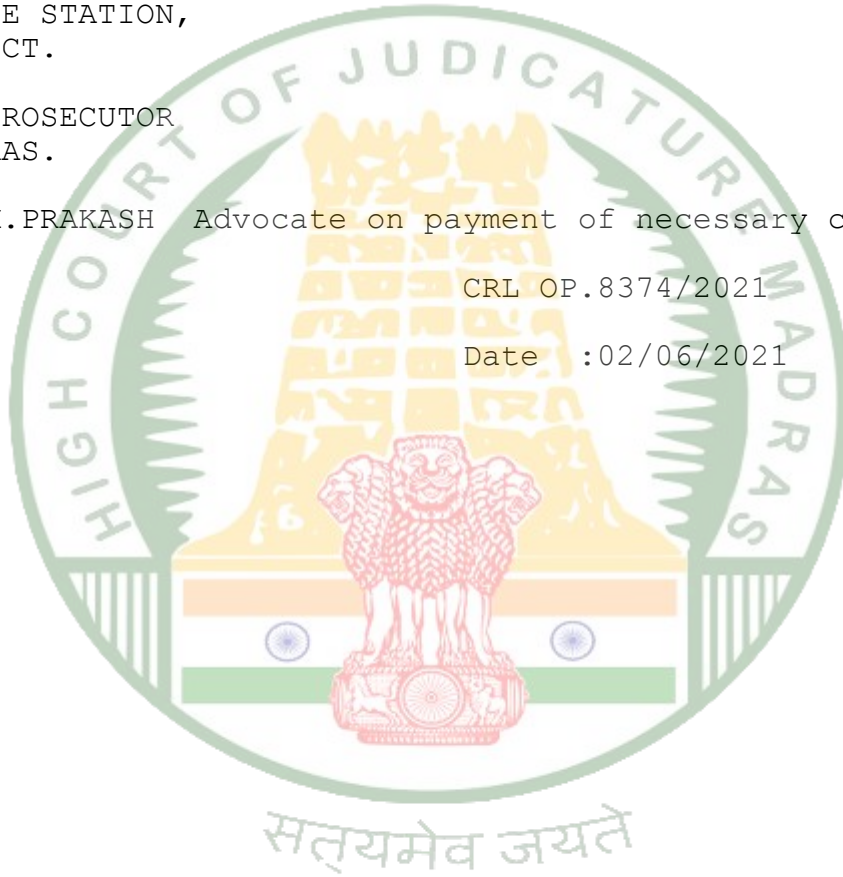
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.PRAKASH Advocate on payment of necessary charges

CRL OP.8374/2021

Date :02/06/2021

MK:12/07/2021



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