

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.8645 of 2021

C.Raja @ Vettu Raja

.. Petitioner

Vs.

State represented by  
Inspector of Police,  
Kadaladi Police Station,  
Thiruvannamalai District.  
(Crime No.108 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.108 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.L.Baskaran  
G.A.(Crl.Side)

O R D E R

(The case has been heard through video conference)

This is the second anticipatory bail application filed by the petitioner/A3, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.108 of 2021, for the alleged offence under Sections 379 and 430 of IPC and Section 21(5) of the Mines and Mineral (Development and Regulation) Act, 1957.

2. The allegation against the petitioner is that he has indulged in transportation of illegally quarried sand.

3. Earlier, this Court dismissed the anticipatory bail application filed by the petitioner on 10.03.2021, considering the fact that the petitioner is involved in two previous cases of similar nature.

4. The learned counsel appearing for the petitioner would submit that the Tahsildar, Kalasapakkam Taluk, by permit dated 27.02.2021, has granted permission to the wife of the petitioner to quarry sand from Seenanthal lake for agricultural purpose. Accordingly, when the petitioner was quarrying sand, the respondent police seized the tractor with trailer. The learned counsel submitted that no illegality has been committed by the petitioner and that this is the second anticipatory bail application.

5. The learned Government Advocate (Crl.Side) strongly opposed the granting of anticipatory bail to the petitioner. He submitted that the earlier anticipatory bail application moved by the petitioner was dismissed by this Court on 10.03.2021, in Crl.O.P.No.4709 of 2021. He further submitted that the petitioner has transported 1 unit of sand in an unregistered vehicle and the driver has not produced proper documents.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that the wife of the petitioner has a valid permit to quarry sand, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Sessions Judge, Thiruvannamalai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioner shall appear 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 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 5560].

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

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

-sd/-

14/06/2021

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 PRINCIPAL SESSIONS JUDGE,  
THIRUVANNAMALAI

2 THE INSPECTOR OF POLICE,  
KADALADI POLICE STATION,  
THIRUVANNAMALAI DISTRICT

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges Sr.6478

CRL OP.8645/2021

Date :14/06/2021

RVR 21/06/2021

सत्यमेव जयते  
WEB COPY