

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9316 of 2021

K.Thirumal

... Petitioner

Vs.

State, represented by  
The Inspector of Police,  
Kadampuliyur Police Station,  
Cuddalore District.  
(Crime No.175 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.175 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Vijaya Basker

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

O R D E R

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
379 and 430 IPC and Section 21(1) of Mines and Minerals (Development  
and Regulation) Act, 1957, in Crime No.175 of 2021, on the file of  
the respondent police, seeks anticipatory bail.

2. The case against the petitioner is that he was found in  
possession of ¼ unit of odai sand in a bullock cart. The bullock  
cart and the bulls have 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, Panruti, Cuddalore District within 15 days from  
the date of resumption of regular hearings in the Trial 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/-

01/06/2021

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, PANRUTI, CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE DISTRICT.

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

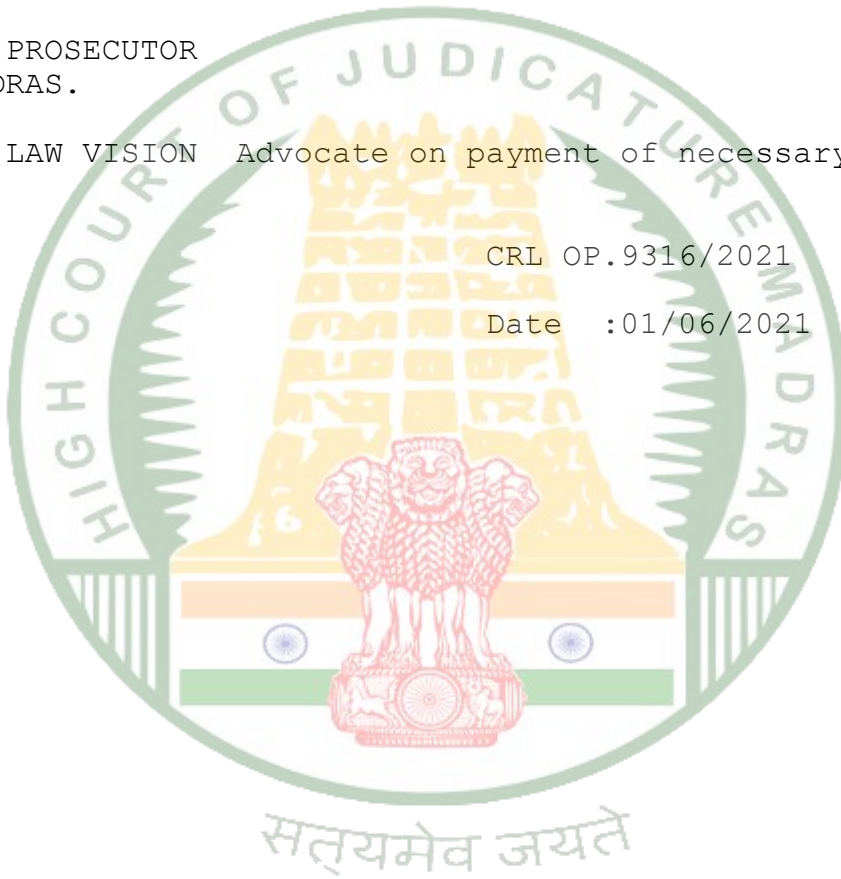
4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.9316/2021

Date :01/06/2021

RVR 06/07/2021



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