

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9318 of 2021

1.V.Venkatesan
2.P.Venkatesan

... Petitioners

Vs.

State, represented by
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.176 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.176 of 2021 on the file of the respondent police.

For Petitioners : Mr.N.Vijaya Basker

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

O R D E R

The petitioners, who apprehend 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.176 of 2021, on the file of
the respondent police, seek anticipatory bail.

2. The case against the petitioners is that they were found in
possession of $\frac{1}{4}$ 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 petitioners could be granted
anticipatory bail. Accordingly, this Criminal Original Petition is
allowed and the petitioners are ordered to be released on bail in the
event of arrest or on their appearance before the learned Judicial
Magistrate No.II, Panruti, Cuddalore District within 15 days from the
date of regular hearings in the said Court subject to the following
conditions:

[a] The petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for 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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

4. Considering the present situation, the petitioners are 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 (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

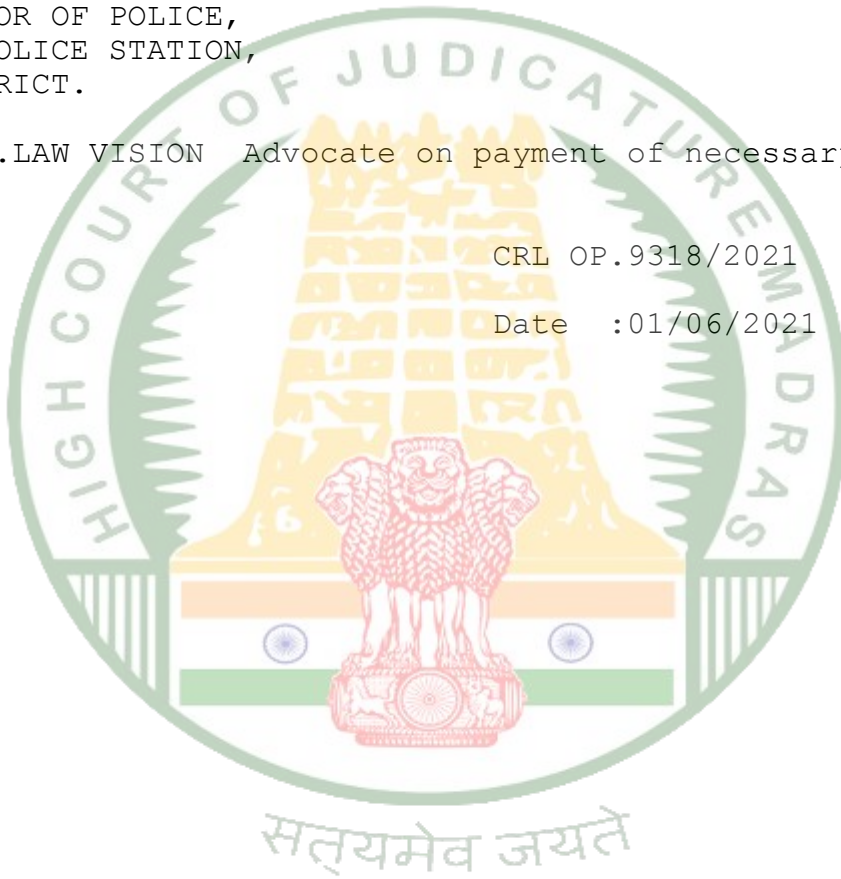
4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

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

CRL OP.9318/2021

Date :01/06/2021

RVR 06/07/2021



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