

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.9367 of 2021

1.Thavasiappan  
2.Thangaraj

... Petitioners

-vs-

State rep. by  
Sub-Inspector of Police,  
Jalakandapuram Police Station,  
Salem District.  
(Crime No.164 of 2021)

.... Respondent

Prayer: The Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on Anticipatory bail in event of the arrest connection with the case in Crime No.164 of 2021 on the file of the respondent police herein.

For Petitioners : Mr.T.N.Rangesh Kanna

For Respondent : Mr.J.C.Durairaj  
Government Advocate (Crl.Side)

O R D E R

The petitioners, who apprehend arrest for the alleged offences under Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, and Section 379 of Indian Penal Code in Crime No.164 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that the false complaint has been lodged against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioners.

3. The learned Government Advocate (Crl.Side) would submit that the petitioners were found in possession of four unit of red sand, which is worth about Rs.3,000/-, in Tipper lorry without any valid permit from the Government and the said vehicle was seized by the respondent police. He would further submit that there is no previous case pending against the petitioners. Hence, he would vehemently oppose to grant of anticipatory bail to the petitioners.

4. This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the F.I.R.

5. The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioners is not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners is granted anticipatory bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.2, Mettur, on condition that the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioners shall make themselves available for interrogation by a police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[e] the petitioners shall affix their photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2021

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM(FOR INFORMATION)

3 SUB-INSPECTOR OF POLICE,  
JALAKANDAPURAM POLICE STATION,  
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.T.N.RANGESH KANNA Advocate on payment of necessary charges

CRL OP.9367/2021

सत्यमेव जयते Date:19/05/2021

RVR 02/07/2021

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