

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.9479 of 2021

1. K.Selvakumar ... Petitioners
2. R.Karthikkumar

Vs.

The Inspector of Police, Respondent
Veppur Police station,
Cuddalore District.

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of their arrest in Crime No.245 of 2021 on the file of respondent police.

For petitioner : Mr.K.Karuppaiya Moopanar

For Respondent : Mr.J.C. Durai Raj, GA (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 379 of I.P.C. and, r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.245 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. On perusal of the FIR, it is seen that the respondent police seized the M-Sand in the lorry and not the river sand. The case has been registered without the permission of the Zoological Department but the petitioners had only transported 2 units of M-sand.

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

4. The learned Government Advocate (Crl.Side) would submit that the petitioners were found in possession of 2 units of M- Sand in the Lorry. He would also submit that no previous case is pending against these petitioners.

5. This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the materials available on record.

6.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 are not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners are granted anticipatory bail in the event of arrest or on their appearance, before the learned Judicial Magistrate I, Virudhachalam, Cuddalore District, on condition that the petitioner 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 himself 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 his 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 his/her 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 these 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/-
20/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

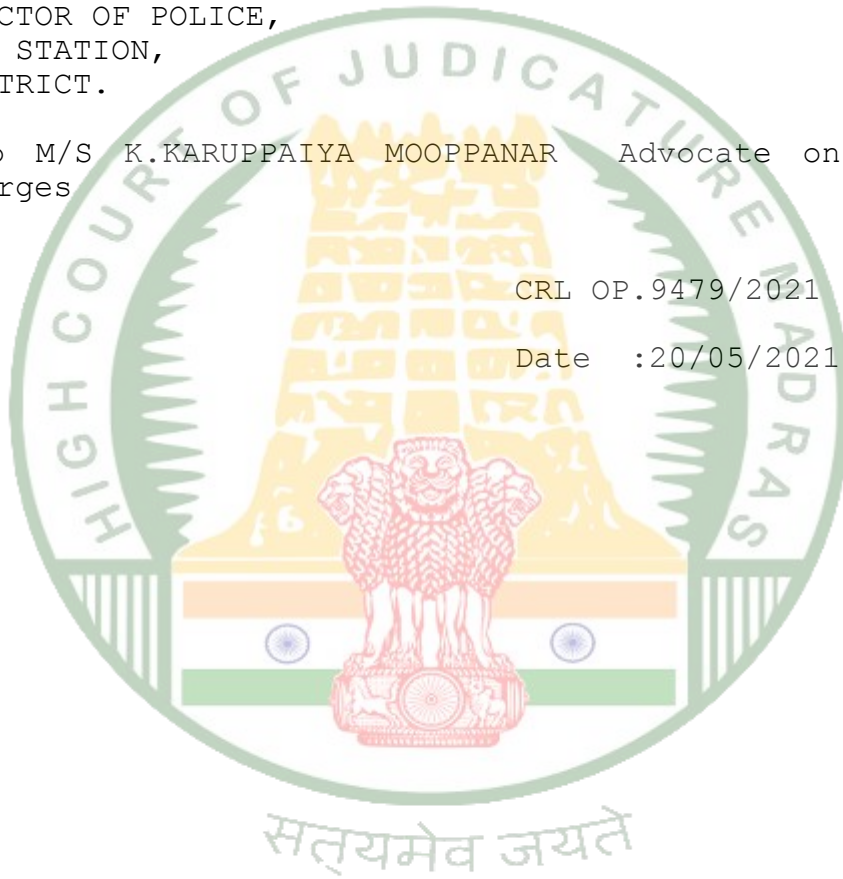
4 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S K.KARUPPAIYA MOOPPANAR Advocate on payment of
necessary charges

CRL OP.9479/2021

Date :20/05/2021

TA-06/07/2021



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