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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Cr1.O.P.No.9481 of 2021

1. Harikrishnan
2. Vinothraj

... Petitioners

Vs.

The State Rep. By
The Sub Inspector of Police,
Sholavaram Police Station,
Thiruvallur District

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on bail in the event of thier arrest in connection with Crime No.428 of 2021 on the file of the respondent police.

For petitioners : Mr.R.Sasikumar

For Respondent : Mr.J.C. Durai Raj, GA (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 379, 430 of I.P.C., r/w 21(1) of Mines and Mineral (Development & Regulation) Act, 1957 in Crime No.428 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. 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.

3. The learned Government Advocate (Cr1.Side) would submit that the petitioners were found in possession of 8 unit of M Sand. He would also submit that no previous case is pending against these petitioner.



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

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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 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 II, Ponneri, 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 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.

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-sd/-
20/05/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9481/2021

Date :20/05/2021

cs 14/07/2021