

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.9492 of 2021

Kannan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Gengavalli Police Station,
Salem District,
Crime No.534 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.534 of 2020 on the file of the respondent police.

For petitioner : Mr. M.R.Franklin

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

O R D E R

The petitioner, who apprehends arrest for the alleged offences under Sections 379 of I.P.C., r/w. 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.534 of 2020, on the file of the respondent police, seeks anticipatory bail.

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

3. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of three bags of river Sand. He would also submit that no previous case is pending against the petitioner.

4. This Court considered the submissions made by the learned counsel for all the parties concerned.

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 petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of arrest or on his appearance, before the learned Judicial Magistrate- II, Attur, 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 petitioner shall make himself available for interrogation by a police officer as and when required;

[b] the petitioner 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 petitioner shall not leave India without the previous permission of the Court;

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

[e] the petitioner 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 petitioner 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 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].

[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

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GENGAVALLI POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9492/2021

Date :20/05/2021

MK:06/07/2021

WEB COPY