



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29..06..2021

CORAM :

WEB COPY

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.10919 of 2021

Senrayan

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
Kandili Police Station,
Vellore District.
[Crime No.25 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.25 of 2021 pending investigation on the file of the respondent.

For Petitioner : M/s.Karan and Uday

For Respondent : Mr.L.Baskaran,
Government Advocate
[Criminal Side]

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.25 of 2021 on the file of the respondent police registered for the alleged offence u/s 430 of IPC and Section 21(1) of The Mines and Mineral (Development and Regulation) Act, 1957, seeks anticipatory bail.

2. The petitioner is the sole accused in this case. It is alleged that the petitioner had transported one unit of sand without proper license.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and the case has been foisted against him. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Government Advocate (Criminal Side) fairly submitted that the petitioner had quarried sand in his own patta land and substantial investigation is over.



5. This is second petition for anticipatory bail. Considering the submissions made on either side and the facts and circumstances of the present case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Tirupattur, on his executing a bond for a sum of Rs.10,000/- (Rupees ten 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 and on further condition that:

[b] 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks as and thereafter as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



With the above directions, this Criminal Original Petition is ordered.

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-sd/-
29/06/2021

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,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KANDILI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.10919/2021

Date :29/06/2021

MK:17/07/2021