

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9841 of 2021

Ramu

... Petitioner

Vs.

State: Inspector of Police,
D2 Tiruvalangadu Police Station,
Tiruvallur District.
(Crime No.87 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 his arrest in the above Crime No.87 of 2021 on the file of Respondent.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

Captioned Criminal OP has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C' for brevity] with a prayer for anticipatory bail apprehending arrest for alleged offences punishable under Sections 379 and 430 of the 'Indian Penal Code, 1860' ['IPC' for the sake of brevity] and under Section 21(1) of Mines and Minerals (Development and Regulations) Acts vide Crime No.87 of 2021 on the file of D2 Tiruvalangadu Police Station, Tiruvallur District.

2. On this Video Conferencing Platform hearing i.e. in this Virtual Court, this Court heard Mr.M.Rajavelu, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of State.

3. Learned counsel for petitioner submits that the petitioner grows aquarium fishes, he is very passionate about colour fishes and is a law abiding citizen, but it is alleged by the prosecution that he was transporting half unit of river sand in a Bolero Pick Up truck bearing Registration No.TN 73 AY7061 for his aquarium when he was stopped by a patrol team of the respondent.

4. Learned counsel for Petitioner submits that there are no bad antecedents qua the petitioner, he is a law abiding citizen and would not stoop to steal river sand.

5. Learned State Counsel, on instructions submits that there is no disputation or disagreement about there being no bad antecedents qua the petitioner.

6. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit on conditions adumbrated elsewhere infra in this order.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Tirutani, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

a) the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Medical Officer, Thiruvallur, within a fortnight from the date of receipt of a copy of this order either by way of Demand Draft (DD) or by Fund Transfer;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness/es either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) if there is 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 itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(g) though obvious, it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-

04/06/2021

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,
TIRUTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D2, TIRUVALANGADU POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
TIRUVALLUR.

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

CRL OP.9841/2021

Date :04/06/2021

cs 12/07/2021