

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9827 of 2021

1. Chinnadurai
2. Padmanaban
3. Venkatraman

... Petitioners

Vs.

State rep by
The Inspector of Police,
Magaral Police Station,
Kanchipuram District.
(Crime No.200 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in the hands of respondent in Crime No.200 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Saranraj

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.200 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case against the petitioners is that the petitioners were found in possession of ½ unit of River sand in a Bullock Cart.

3.Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are some previous cases against the petitioners.

4.Considering the nature of the offence and the quantum of sand involved, I am of the opinion that the petitioners could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kanchipuram within 15 days from the date of resumption of regular hearings in the Trial Court, subject to the following conditions:

[a] the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each, in favour of the Chief Medical Officer, District Head Quarters Hospital (GH), Kanchipuram for COVID-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Judicial Magistrate concerned shall entertain the bail bond only on production of proof for payment of the said sum;

[b] The petitioners shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, along 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;

[c] the petitioners and 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;

[d] the petitioners shall report before the respondent police as and when required for interrogation;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond 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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

5. Considering the present situation, the petitioners are granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-
03/06/2021

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, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAGARAL POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
KANCHIPURAM FOR COVID-19 RELIEF.

+1 CC to M/S A.SARANRAJ Advocate on payment of necessary charges
SR.No.6383

WEB COPY

CRL OP.9827/2021

Date :03/06/2021

cs 17/06/2021