

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9854 of 2021

Jothibasu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sethiyathope Police Station
Cuddalore District

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on Anticipatory Bail in the event of arrest in Crime No.284 of 2021 on the file of the Inspector of Police, Sethiyathope, Cuddalore District.

For Petitioner : Mr.D. Arun

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

O R D E R

(The case has been heard through video conference)

Petitioner in captioned Criminal Original Petition, apprehending arrest by respondent / State for alleged offences punishable under Sections 379 and 430 of 'The Indian Penal Code, 1860' ('IPC' for the sake of brevity) in Crime No. 284 of 2021, on the file of Sethiyathope Police Station, Cuddalore District, has moved the captioned petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C' for the sake of brevity) seeking anticipatory bail.

2. In the virtual Court today, Mr.D.Arun, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent were heard.

3. Mr.D. Arun, learned counsel for Petitioner submits that, petitioner is an agriculturist by avocation and allegation against petitioner is that he was taking $\frac{1}{4}$ unit of river sand in a two wheeler for agricultural purposes when he was intercepted.

4. State Counsel State submits that there are two accused in the matter, first accused has already been secured, incarcerated pursuant to remand and also enlarged on bail.

5. Be that as it may, the submission of learned counsel for petitioner that there are no adverse antecedents qua the petitioner herein is not in disputation before this Court.

6. In the light of the narrative thus far, this Court accedes to the prayer for anticipatory bail on the following conditions:

a) petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the COVID-19 Relief Fund in favour of the District Medical Officer, Cuddalore within a fortnight from the date of receipt of a copy of this order either by Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the learned jurisdictional Judicial Magistrate shall entertain the bail bond only on production of proof for payment of the said sum;

b) petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate Court No.I, Chidambaram, Cuddalore District, 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 Judicial 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;

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

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

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

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

(g) 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 himself 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

(h) though obvious it is made clear that if the accused/petitioner 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 NO.I,
CHIDAMBARAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SETHIYATHOPE POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COVID-19 RELIEF FUND,
IN FAVOUR OF THE DISTRICT MEDICAL OFFICER,
CUDDALORE .

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

CRL OP.9854/2021

Date :04/06/2021