

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9848 of 2021

A.Manoharan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Anaicut Police Station
Kancheepuram District
Cr.No.208 of 2020

... 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 Crime No.208 of 2020 on the file of the Respondent.

For Petitioner : Mr.S.Shanmuga Velayutham

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

O R D E R

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C' for the sake of brevity) with a prayer for anticipatory bail.

2. In this Virtual Court i.e., web-hearing on a video-conferencing platform, this Court heard Mr.S.Shanmuga Velayutham, counsel for petitioner and Mr.A.Gopinath, learned State counsel for respondent.

3. Learned counsel for petitioner submits that the petitioner apprehends arrest by the respondent / State for alleged offences punishable under Sections 379 and 430 of 'The Indian Penal Code, 1860' ('IPC' for brevity) read with Section 21(1) of 'Mines and Minerals (Development and Regulation) Act, 1957' ('MMD&R Act' for brevity) vide Crime No.208 of 2020 on the file of Anaicut Police Station, Kancheepuram District. It is submitted by learned counsel for petitioner that the petitioner is an Agriculturist by avocation and his tractor with a trailer was intercepted when he was carrying alluvial soil (வண்டல் மண்) for agricultural purposes. The petitioner is a law abiding citizen with no adverse antecedents, is learned

counsel's further say. Learned State counsel, on instructions, submits that there is no disputation regarding there being no adverse antecedents qua the petitioner.

4. The quantity of alluvial soil alleged to have been transported is one unit.

5. In the light of the narrative thus far this Court accedes to the petitioner's prayer for anticipatory bail on the following conditions:

a) the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the COVID-19 Relief Fund to the credit of the District Medical Officer, Kancheepuram 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 Judicial Magistrate concerned 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 District Munsif-cum-Judicial Magistrate, Cheyyur, 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;

(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 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 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 DISTRICT MUNSIF CUM
JUDICIALMAGISTRATE, CHEYYUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
ANAICUT POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MEDICAL OFFICER,
KANCHEEPURAM

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

WEB COPY
CRL OP.9848/2021
Date :04/06/2021

RVR 06/07/2021