

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9886 of 2021

1.Saravanan
2.Parimala

... Petitioners

Vs.

The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.
(Crime No.1467 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.1467 of 2020 on the file of Inspector of Police, Arambakkam Police Station, Thiruvallur District on their appearance before the concerned Court.

For Petitioners : Mr.S.Sasikumar

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

ORDER

(The case has been heard through video conference)

Captioned Criminal Original Petition has been filed by two petitioners seeking anticipatory bail under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C' for the sake of brevity] as they apprehending arrest for alleged offences/alleged offences punishable under Sections 379 and 430 of 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) vide Crime No.1467 of 2020 on the file of Arambakkam Police Station, Thiruvallur District.

2. In this hearing on a Video Conferencing Platform i.e., in this Virtual Court, this Court heard Mr.S.Sasikumar, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of the respondent.

3. Learned counsel for Petitioners submitted that alleging that lake clay was transported for agricultural purposes and it was intercepted, a case has been foisted on the petitioners. It is submitted that petitioners are innocent agriculturists by avocation.

4. Learned State Counsel submits that along with two petitioners, there was a third individual, there were three tractors with two wheeled trailers, one unit of lake clay was being transported, but the tractors, the transported goods have since been seized and they are now with the respondent police. Investigation is underway is learned State Counsel's say.

5. Learned counsel for petitioners submits that there are no bad antecedent for the petitioners and that this is their first brush with law. On instructions, State Counsel submits that there is no disputation or disagreement about there being no adverse or bad antecedents for the petitioners.

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

a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned District Munsif cum Judicial Magistrate, Gummidipoondi on condition that the petitioners 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:

b) the petitioners should pay a sum of Rs.5,000/- (Rupees Five Thousand only) each, in favour 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;

(c) the petitioners 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;

(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/es either during investigation or trial;

(f) the petitioners 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 petitioners released on bail by the learned Magistrate/Trial Court itself as per *P.K.Shaji* principle being law laid down by the 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/petitioners 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
JUDICIAL MAGISTRATE, GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARAMABAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
THIRUVALLUR.

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

सत्यमेव जयते

CRL OP.9886/2021

Date :04/06/2021

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