

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

CrI.O.P.No.9913 of 2021

Vijayan

... Petitioner

Vs.

State by :

Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.
(Cr.No.140 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.140/2021 pending on the file of the Inspector of Police, Kilkodungalore Police Station, Tiruvannamalai District or on his appearance before the court.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI.side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest by the respondent police for the offences punishable under Sections 379 and 430, 341, 294(b), 332, 307 I.P.C r/w 21(1) M.M.D.R Act 1957 in Crime No. 140 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that during a routine vehicle check up on 24.05.2021, the petitioner was found in possession of one unit of river sand in his TATA pick-up van and was operating the said van without any licence.

3. It is the case of the petitioner that he is an innocent person and he is no way connected with the commission of the alleged offences. The learned Counsel for the petitioner would submit that the petitioner is working as a Coolie and he is not having any criminal antecedents. It is also submitted that co-accused in this case has already been granted anticipatory bail by this Court in Crl.OP.No.10004 of 2021 on 08.06.2021.

4. After giving due consideration to the fact that the quantity of the river sand alleged to have been transported by the petitioner is only one unit, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned District Munsif Cum Judicial Magistrate, Vandavasi, Tiruvannamalai, on condition that the petitioner shall execute a bond for a sum of Rs.7,500/- (Rupees seven thousand five hundred only) 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 and on further conditions that:

[a] the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Tiruvannamalai, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum;

[b] the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned 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 witnesses 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 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

[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/-

10/06/2021

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, VANDAVASI, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, KILKODUNGALORE POLICE STATION, TIRUVANNAMALAI DISTRICT.

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

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

CRL OP.9913/2021

Date :10/06/2021

cs 09/07/2021