

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.9883 of 2021

1.Suresh  
2.Venkatesan  
3.Palani

... Petitioners

Vs.

The State Rep by  
The Inspector of Police,  
Kayar Police Station,  
Chengalpet District.  
(Crime No.99 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to grant anticipatory bail to the petitioners in the event of  
arrest in connection with Crime No.99 of 2021 pending on the file of  
the respondent police.

For Petitioners : Mr.M.I.Javid Akbar

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
430, 379 of IPC read with Section 21 (1) of Mines and Minerals  
(Regulation and Development) Act, 1957, in Crime No.99 of 2021, seek  
anticipatory bail.

2. The case of the prosecution is that the petitioners in their  
respective vehicles viz., (a) Lorry bearing Registration No.TN 45 Q  
5661 (b) Dio Motor Cycle bearing Registration No.TN 11 AR 3838 & (c)  
JCB vide Chasis No.1268591 had illegally transported two units of  
lake sand on 21.05.2021.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way involved in the commission of alleged offences. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent state would submit that the petitioners had transported two units of lake sand illegally. Hence, he opposed grant of anticipatory bail to the petitioners.

5. This Court, after giving due consideration to the afore mentioned factors including the quantity of lake sand seized and its value, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 JM-I, Judicial Magistrate, Chengalpet, on condition that each of the petitioners shall execute a separate 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 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] each of the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) totally Rs.15,000/- towards the Covid Relief Fund, in favour of the District Medical Officer, Chengalpet District;

[b] the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain their Aadhar cards or Bank pass Books to ensure/verify their identities;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks from the date of lifting of lock down and thereafter as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

[e] the petitioners 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 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 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/petitioners 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 JM-I, JUDICIAL MAGISTRATE,  
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KAYAR POLICE STATION,  
CHENGALPET DISTRICT.

6 THE DISTRICT MEDICAL OFFICER,  
CHENGALPET DISTRICT,  
TOWARDS THE COVID RELIEF FUND.

CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary charges

CRL OP.9883/2021

Date :10/06/2021

cs 09/07/2021