

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.9893 of 2021

RAJU

... Petitioner

Vs.

State Rep by,
Inspector of Police,
Karuvepillankurichi Police Station,
Cuddalore - district.
(Crime No.177 of 2021)

... 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.177 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.Meganathan

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

O R D E R

(The case has been heard through video conference)

Apprehending arrest by the respondent State for the alleged offences / alleged offences punishable under Sections 379, 430 of the 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, vide Crime No.177 of 2021, on the file of the Inspector of Police, Karuvepillankurichi Police Station, Cuddalore District, captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.', for the sake of brevity) has been filed.

2. In this virtual Court, Mr.T.Meganathan, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of State were heard.

3. The learned counsel for Petitioner submits that, he is the owner of Mahindra Van bearing Registration No.TN 76 B 9795. Owing to the pandemic and lockdown, the petitioner had given on hire his vehicle to two others with the objective of augmenting income is his further say.

4. It is the further say of the learned counsel for petitioner that the petitioner has not come to adverse notice of the respondent State or in other words, it is his further say that there are no adverse antecedents qua the petitioner.

5. Learned State Counsel, on instructions, submits that three persons were involved in the occurrence wherein river sand in 60 cement bags were seized on 20.05.2021 during a routine vehicle check. However, there is no disputation regarding the submission that there are no adverse antecedents for the petitioner. Furthermore, learned State Counsel submits that the persons who had taken the aforementioned vehicle on hire and who were actually involved in the transportation viz., A2 and A3 have already been secured, remanded and incarcerated. The investigation is under way is State Counsel's further say.

6. The learned counsel for the petitioner submits that petitioner is innocent, law abiding citizen and done nothing more than having giving his aforementioned vehicle on hire in the belief that it would be used for legitimate purposes. This Court refrains itself from saying anything more on this owing to this being an anticipatory bail petition.

7. Suffice to say that in the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail on conditions set out infra elsewhere in this order.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.II, Vriddhachalam, 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 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:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Cuddalore;

(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/-
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.II,
VRIDDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.9893/2021

Date :04/06/2021