

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9896 of 2021

Senthil Kumar

... Petitioner

Vs.

State rep. By  
The Inspector of Police,  
Virudhachalam Police Station,  
Cuddalore District,  
(Crime No.287 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 arrest in connection with the Crime No.287 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Meganathan

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

**ORDER**

**(The case has been heard through video conference)**

Petitioner in captioned Criminal OP apprehends arrest for alleged offences/alleged offences punishable under Sections 379, 430 of 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) read with 21(1) of Mines and Minerals (Development and Regulation) Act 1957 vide Crime No.287 of 2021 on the file of Virudhachalam Police Station, Cuddalore District.

2. This Court heard Mr.T.Meganathan, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent State on a video conferencing platform.

3. It is submitted by learned counsel for Petitioner that there are no bad antecedents for the petitioner and he was transporting half unit of M.Sand (crushed stones) from a quarry with a proper licence but he has unfortunately been foisted with a case vide Crime No.287 of 2021 on the file of Virudhachalam Police Station, Cuddalore District. It is also submitted by learned counsel for Petitioner that he was driver of the Tipper Lorry bearing Registration No.TN.91-S-8230 and he also owns the same.

4. There is no disputation that the petitioner who is the sole accused has not come to any adverse notice of the respondent police earlier.

5. Learned counsel for Petitioner submits that he would abide by any conditions that are imposed by this Court.

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

a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the **learned Judicial Magistrate No.1, Virudhachalam, 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:

(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 witness/es 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 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

(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.1, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VIRUDHACHALAM POLICE STATION,  
CUDDALORE DISTRICT.

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

CRL OP.9896/2021

Date :04/06/2021

TA-13/07/2021

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