

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9907 of 2021

Boominathan

... Petitioner

Vs.

State Rep by,
Inspector of Police,
Veppur Police Station,
Cuddalore - district.
(Crime No.256 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.256 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.Meganathan

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

ORDER

(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.256 of 2021, on the file of the Inspector of Police, Veppur 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 seeking anticipatory bail.

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

3. The allegation is river sand in two gunny bags was being carried in a two wheeler i.e., a moped (TVS Super XL) bearing registration No.TN22 AM 2553.

4. The learned counsel for Petitioner submits that, there are no adverse antecedents for the petitioner, this is his first brush with law, this is a false case foisted on him and petitioner is innocent.

5. The learned State Counsel, on instructions, submits that there can be no disputation on petitioner counsel's say that this is the petitioner's first brush with law.

6. In the light of the narrative thus far, *inter alia* considering the quantum and nature of allegations this Court is inclined to accede to the prayer for anticipatory bail on the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the **learned Judicial Magistrate, No.I, 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 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;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**;

(f) 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.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.9907/2021

Date :04/06/2021

TA-06/07/2021

WEB COPY