

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9897 of 2021

E.Vetrivel

... Petitioner

Vs.

The State rep. By
Inspector of Police,
Virthumpet Police Station,
Vellore District,
(Crime No.191 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.191 of 2021 on the file of the Respondent.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

(The case has been heard through video conference)

In the case that has given rise to the captioned Criminal Original Petition on hand, there are two accused and the lone petitioner in captioned Criminal OP is A2.

2. Captioned Criminal OP has been filed by A2 apprehending arrest for alleged offences/alleged offences punishable under Sections 379 and 430 of the 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) read with Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 vide Crime No.191 of 2021 on the file of the Virthumpet Police Station, Vellore District.

3. This Court heard Mr.M.Sathish Kumar, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent on a video conferencing platform.

4. Learned counsel for Petitioner submits that A1 has already been secured, remanded/incarcerated and subsequently enlarged on bail.

5. Learned State Counsel, on instructions submits that A1 was arrested on 10.05.2021 and later, enlarged on bail by the learned Judicial Magistrate-III, Vellore on 25.05.2021.

6. Learned counsel for petitioner submits that he would abide by any condition that is imposed by this Court.

7. 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 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.III, Vellore 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 to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the COVID-19 Relief Fund to the credit of the Government Hospital, Adukkambarai, Vellore District within a fortnight from the date of receipt of a copy of this order either by Demand Draft (DD) or by fund transfer;

(c) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

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

(e) the petitioner shall not tamper with evidence or witness/es either during investigation or trial;

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

(g) 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

(h) 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,
JUDICIAL MAGISTRATE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRTHUMPET POLICE STATION,
VELLORE DISTRICT.

5 THE GOVERNMENT HOSPITAL,
ADUKKAMBARAI,
VELLORE DISTRICT.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.9897/2021

Date :04/06/2021

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TA-13/07/2021