

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9921 of 2021

Gopi

... Petitioner

Vs.

State Rep by,

The Sub Inspector of Police,

Pennalurpet Police Station,

Thiruvallur - district.

(Crime No.71 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.71 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.V.Manimaran

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.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.71 of 2021, on the file of the Sub Inspector of Police, Pennalurpet Police Station, Thiruvallur 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.V.Manimaran, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of State were heard.

3. The Petitioner counsel submits that there are no adverse antecedents for the lone petitioner and this is his first brush with law. It is also submitted that the alleged offences even according to the prosecution is only transportation of one unit of river sand in his mini lorry which has now been seized.

4. The learned State Counsel, on instructions, submits that there is no disputation that the petitioner has no adverse antecedents.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Uthukottai, 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, Thiruvallur;

(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 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,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
PENNALURPET POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9921/2021

Date :04/06/2021