

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE Mr. JUSTICE M.SUNDAR

Crl.O.P.No.10005 of 2021

Elumalai

... Petitioner

Vs.

State rep. by the Inspector of Police,
Arambakkam Police Station,
Gummidipoondi Taluk,
Thiruvallur District.
(Crime No.1466 of 2020)

... 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 pending investigation in Crime No.1466 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.Gopi

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

O R D E R

(The case has been heard through video conference)

Captioned Criminal OP has been filed by the petitioner seeking anticipatory bail under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C' for the sake of brevity] as he is 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) vide Crime No.1466 of 2020 on the file of Arambakkam Police Station, Thiruvallur District.

2. In this hearing on a video conferencing platform i.e., in this Virtual Court, this Court heard Mr.S.Gopi, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent.

3. Learned counsel for petitioner submitted that petitioner is innocent but, it is alleged that he was intercepted while transporting lake clay for agricultural purposes and a case has been foisted on the petitioner. It is submitted that petitioner is an agriculturist by avocation.

4. Learned State Counsel submits that tractor with a two wheeled trailer was used to transport one unit of lake clay, but the tractor/the transported goods have since been seized and they are now with the respondent police. Investigation is underway is learned State Counsel's further say.

5. Learned counsel for petitioner submits that there are no bad antecedents for the petitioner and that this is his first brush with law. On instructions, State Counsel submits that there is no disputation or disagreement about there being no adverse or bad antecedents qua petitioner.

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned District Munsif cum Judicial Magistrate, Gummidipoondi 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 learned jurisdictional Judicial Magistrate whichever is later and on further conditions that:

a) the petitioner should pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of The District Medical Officer, Thiruvallur, within a fortnight from the date of receipt of a copy of this order either by way of Demand Draft (DD) or by fund transfer;

(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 identity;

(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 petitioners 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/-

08/06/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
GUMMIDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARAMBAKKAM POLICE STATION,
GUMMUDIPOONDI TALUK,
THIRUVALLUR DISTRICT.

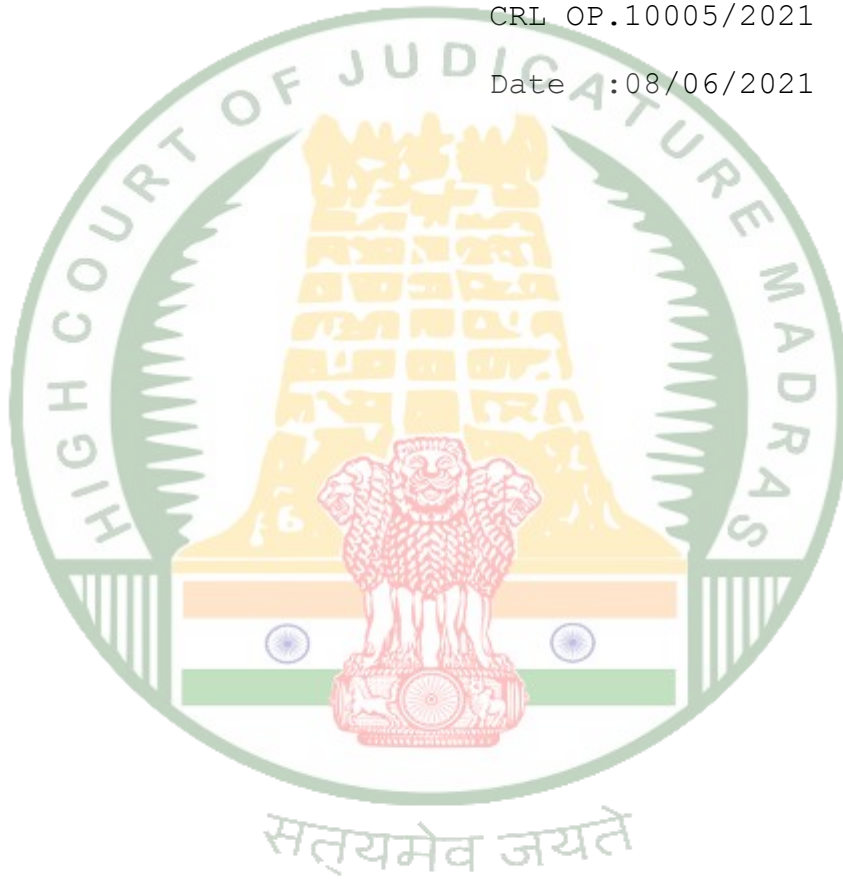
5 THE DISTRICT MEDICAL OFFICER
THIRUVALLUR.

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

CRL OP.10005/2021

Date :08/06/2021

cs 12/07/2021



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