

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9959 of 2021

Chinnadurai

... Petitioner / Sole Accused

Vs.

State Rep by
Inspector of Police,
Kammapuram Police Station
Cuddalore - district
Crime No.101/2021

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner in the event of arrest in connection with the crime no.101 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)

O R D E R

(The case has been heard through video conference)

Sole petitioner in captioned Criminal OP apprehends arrest for alleged offences/alleged offences punishable under Section 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.101 of 2021 on the file of the Inspector of Police, Kammapuram Police Station, Cuddalore District.

2. The alleged occurrence is on 28.05.2021 and the allegation is petitioner was intercepted while riding a two wheeler i.e., TVS Excel Moped bearing Registration No. TN31 BF9964 carrying 3 Gunny bags of river sand.

3. Learned Counsel for petitioner submits that he is innocent, he is a law abiding citizen and there are no adverse antecedents qua the petitioner. It is also submitted by learned counsel for petitioner that he is an agricultural labourer and the above mentioned case has been foisted on him apparently for statistical purposes.

4. Learned State Counsel on instructions, submits that the submission that there are no adverse antecedents qua the petitioner is not subject to disputation.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.II, 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 condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may demand 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 witness/es 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 itself 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];

and

(f) though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A of Indian Penal Code, 1860 will follow wherever applicable.

-sd/-
07/06/2021

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.II, VRIDDHACHALAM,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

WEB COPY

CRL OP.9959/2021

Date :07/06/2021

cs 12/07/2021