

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.10004 of 2021

T.Dineshkumar

... Petitioner

Vs.

The State Rep by
Inspector of Police,
Kilkodungaloor Police,
Thiruvannamalai District
Crime No.140/2021

.... 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 pending investigation in Crime No.140 of 2021 on the file of the Inspector of Police, Kilkodungalore Police Station, Tiruvannamalai District.

For Petitioner : Mr.B.Jawahar

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

ORDER

(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 under Sections 379, 430, 341, 294B, 332, 307 of 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) and 21(1) of Mines and Minerals Act vide Crime No.140 of 2021 on the file of Kilkodungalore Police Station, Thiruvannamalai District.

2. Alleged occurrence was on 24.05.2021. The offence alleged is transportation of one unit of river sand and aggression against the police party which intercepted the vehicle. There are five accused in all.

3. Learned State Counsel submits that A1 to A3 have been arrested, remanded and now incarcerated.

4. Be that as it may, Mr.B.Jawahar, learned counsel, adverting to the 'First Information Report' ['FIR' for the sake of brevity] submits that the petitioner in captioned Criminal OP, who is A5 has not been named and he has been added solely on the basis of alleged confession of co-accused. It is further submitted that petitioner is a college student pursuing graduation [B.A.English] in Puratchi Thalaivar Dr.MGR Government Arts and Science College, Uthiramerur. Photo copy of the identity card has been annexed to the case file. It shows that the petitioner is pursuing B.A. English course. It is also submitted that this is petitioner's first brush with law or in other words he has no adverse antecedents.

5. State Counsel submits that the submission that this is the petitioner's first brush with law is not disputed (on instructions) and it is correct to say that A1 to A3 have been secured, remanded and are now incarcerated.

6. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate, Vandavasi, Tiruvannamalai 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 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/-
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 JUDICIAL MAGISTRATE,
VANDAVASI,
TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KILKODUNGALLOOR POLICE,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.10004/2021

Date :08/06/2021

cs 12/07/2021