

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.10017 of 2021

KALIAMURTHI

... Petitioner

Vs.

The State, rep. by
Sub-Inspector of Police,
Panruti Police Station
Thiruvathigai
Panruti
Cuddalore District
(Crime No.271 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.271 of 2021 on the file of the Respondent Police.

For Petitioner : M/s.T.Gnana Banu

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

ORDER

(The case has been heard through video conference)

Captioned Criminal O.P. has been filed apprehending arrest for alleged offence punishable under Sections 430, 379 of 'Indian Penal Code, 1860' ('IPC' for brevity) and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 vide Crime No.271 of 2021 on the file of the Panruti Police Station, Cuddalore District.

2. Ms.T.Gnana Banu, learned Counsel for petitioner submits that alleged occurrence was on 06.05.2021 and even according to the prosecution i.e., 'First Information Report' ('FIR' for the sake of brevity), sand in two gunny bags (சாக்கு முட்டைகள்) were being transported in a two wheeler and the same was intercepted. However, learned counsel submits that it is a false case and it has been foisted for statistical purpose, but this Court does not express any opinion on

the same at this stage. Learned counsel for the petitioner submits that this is the petitioner's first brush with law or in other words there are no adverse antecedents qua petitioner.

3. State Counsel, on instructions submits that there can be no disputation that there are no adverse antecedents qua petitioner.

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

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.I, Panruti, 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];

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and

(f) though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A of 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 JUDICIAL MAGISTRATE,
NO.I, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
PANRUTI POLICE STATION,
THIRUVATHIGAI,
PANRUTI,
CUDDALORE DISTRICT.

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

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CRL OP.10017/2021

Date :08/06/2021

cs 12/07/2021