

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10045 of 2021

Anandkumar

... Petitioner

Vs.

State Rep. by

The Sub Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.

Crime No.364 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioner on Bail in the event of his arrest in connection with in Crime No.364 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.V.Manimaran

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under sections 379 and 430 of IPC r/w section 21(1) of Mines and Minerals Act in crime No.364 of 2021 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner as well as another co-accused illegally transported 4 unit of M Sand in their lorry.

3. However, the petitioner who is the second accused in Crime No.364 of 2021 would state that he is only the owner of the vehicle and he is innocent and not involved in the commission of the alleged offences. The petitioner has also pleaded that the co-accused was already released on bail by the Principal Sessions Judge, Chengalpet on 27.05.2021 in Crl.M.P.No.2761 of 2021.

4. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfillment of certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned Judicial Magistrate No.II, Tambaram on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On 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 laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

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6. With the aforesaid directions, this Criminal Original Petition stands ordered.

-sd/-
11/06/2021

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 PRINCIPAL SESSIONS JUDGE,
CHENGALPET.

2 THE JUDICIAL MAGISTRATE,
NO.II, TAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
MANIMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

सत्यमेव जयते

CRL OP.10045/2021

Date :11/06/2021

cs 09/07/2021

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