

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.10056 of 2021

1.Selvakumar
2.Kumaravel

... Petitioners

Vs.

State rep. by the
Inspector of Police,
Thirunavalur Police Station
Kallakurichi District
(Crime No.315 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.315 of 2021 on the file of the Inspector of Police, Thirunavalur Police Station, Kallakurichi District

For Petitioners : Mr.M.R.Elavarasan

For Respondent : Mr.L.Baskaran

Government Advocate (Cr1.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the alleged offence under Section 379 of IPC, in Crime No.315 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the complainant who is the Sub-Inspector of Police attached to the Thirunavalur Police Station, Kallakurichi District, he has lodged a complaint against the petitioner alleging that on 01.05.2021 when his team were in rounds, the petitioners were found in possession of 1/4 unit of river sand in two Bullock Carts.

3. However, it is the case of the petitioners that they are innocent and no way connected with the alleged offence. It is also their case that they do not have any criminal antecedents.

4. The learned Government Advocate (Cr1. Side) appearing for the respondent police also submits that the petitioners left the Bullock Carts and fled away from the place of occurrence.

5. After giving due consideration to the quantity of river sand recovered from the petitioners from the Bullock Carts and in view of the fact that there is no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

6. Accordingly, the petitioners are 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 lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Ulundurpet, on condition that 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 petitioners to pay a sum of Rs.5,000/- (Rupees Five Thousand only) each, to the credit of the District Medical Officer, Villupuram, towards Covid Relief Fund 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 petitioners 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

-sd/-
09/06/2021

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,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MEDICAL OFFICER,
VILLUPURAM,
TOWARDS COVID RELIEF FUND.

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

CRL OP.10056/2021

Date :09/06/2021

MK:12/07/2021

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