

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10098 of 2021

Muthu @ Muthukumaran

... Petitioner

Vs.

State Represented by,
Inspector of Police,
Eravancherry Police Station,
Tiruvarur District.
(Cr.No.338/2021)

... 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 pending investigation in Crime No.338 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Muruganandham

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

O R D E R

The petitioner apprehends arrest by the respondent police for the alleged offences punishable under sections 430 & 379 IPC read with Section 21(4) of Minerals and Mines (Development and Regulation) Act, 1957 in crime No.338 of 2021 and seeks for anticipatory bail.

2. The case of the prosecution is that while conducting raid near Kadalangudi, Arasalar, the respondent police found that the petitioner was transporting one unit of river sand in a tractor and trailer without a valid permit.

3. It is the case of the petitioner that he is an innocent person and he is no way involved in the alleged offences. It is also his case that he is the sole breadwinner of his family.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioner was transporting one unit of river sand in a tractor and trailer without a valid permit and hence, opposes the grant of anticipatory bail to the petitioner.

5. After giving due consideration to the aforementioned factors and in view of the fact that the petitioner was carrying one unit of river sand in his tractor and trailer without a valid permit, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfillment of the certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 Judicial Magistrate, Nannilam, 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 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.

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

-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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERAVANCHERRY POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.10098/2021

Date :09/06/2021

cs 09/07/2021

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