

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10117 of 2021

Gnanasekar

... Petitioner

Vs.

State Rep by;-

... Respondent

Inspector of Police,
Anakkavoor Police Station,
Thiruvannamali District.
(Crime No.215 of 2021)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.215 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.A.Saranraj
For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 IPC read with Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992, in Crime No.215 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that during a routine vehicle check up on 04.06.2021, the petitioner was found in possession of one unit of river sand in his tractor and tipper and was operating the said tractor and tipper without any licence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the commission of the alleged offences. He would further submit that the petitioner has not having any criminal antecedents. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent state would submit that the petitioner was found in possession of one unit of river sand in his tractor and tipper and was operating the said tractor and tipper without any licence. Hence he opposed to grant anticipatory bail to the petitioner.

5. After giving due consideration to the contents of the FIR and in view of the fact that the quantity of the river sand is only one unit, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following 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 earliler before the learned Judicial Magistrate, Cheyyar, 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 conditions that:

[a] the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Thiruvannamalai District;

[b] the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

[c] the petitioner shall report before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 himself 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

[g] though obvious, it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S A.SARANRAJ Advocate on payment of necessary charges SR.NO.6462

सत्यमेव जयते CRL OP.10117/2021

Date :09/06/2021

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