IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P. No.10113 of 2021

Silambarasan ... Petitioner

Vs.

The State represented by
The Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
Crime No.214 of 2021 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in the hands of the respondent in Crime No.214 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent police for the alleged offences under Sections 379, 430 IPC r/w. Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 and 3(1) of the Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992 in Crime No.214 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 03.06.2021, during the routine check up by the respondent police, the respondent police found that the petitioner was in possession of 1/4 unit of river sand in a tractor with tipper without any valid license. Hence, the complaint.

3. However, it is the case of the petitioner that he is an innocent and no way connected in the offence as alleged by the prosecution.

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4. After giving due consideration the nature of the offence and to the quantity of river sand which was recovered from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

5. 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 lockdown or the commencement of Courts normal functioning whichever is earlier, 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 condition that:

[a] the petitioner to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the District Medical Officer, Thiruvannamalai, 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 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.

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

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

[e] the petitioner 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 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].

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[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 COURT,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

+1 CC to M/S A.SARANRAJ Advocate on payment of necessary charges SR.No.6461

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CRL OP.10113/2021

Date :09/06/2021

cs 28/06/2021

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