

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10151 of 2021

Lokesh

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Thiruvalem Police Station,
Vellore District.

(Crime No.264 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.264 of 2021, on the file of the respondent police station.

For Petitioner : Mr.S.Thirugnanam

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest by the respondent police
for the offences punishable under Sections 379, 430 of IPC R/W 21 (1)
of Mines and Mineral Act in Crime No.264 of 2021, seeks anticipatory
bail.

2. The case of the prosecution is that on 06.06.2021, the
petitioner was found illegally transporting quarter unit of sand by
using bullock cart, without any valid licence or permit from the
Government.

3. The learned Counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found illegally transporting quarter unit of sand by using bullock cart. Hence, he would oppose grant of anticipatory bail.

5. After giving due consideration to the afore mentioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of 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 the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Kadpadi 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 pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Vellore, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum;

[b] the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain the 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/-
10/06/2021

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,
KADPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
VELLORE DISTRICT.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
VELLORE, TOWARDS COVID-19 RELIEF.

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

WEB COPY

CRL OP.10151/2021

Date :10/06/2021

cs 09/07/2021