

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.10211 of 2021

Palani

... Petitioner

Vs.

The State Represented by,
The Sub-Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
(Crime No.220 of 2021)

... Respondent

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.220 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.L.Baskaran,
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.220 of 2021, and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of river sand in his vehicle on 18.05.2021.

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.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in possession of transported one unit of river sand in his vehicle without any licence.

5. After giving due consideration to the fact that the quantity of the river sand recovered from the petitioner is only one unit and in view of the fact that the petitioner is not involved in any previous case, 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 earlier before the learned Judicial Magistrate, Arni, Thiruvannamalai District 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) to the credit of the District Medical Officer, Thiruvannamalai District, 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 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/-
11/06/2021

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,
ARNI, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.G.SARAVANAN Advocate on payment of necessary charges SR NO.6457

CRL OP.10211/2021

Date :11/06/2021