

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10190 of 2021

1.Subramani
2.Thavamani

... Petitioners

Vs.

The State Represented by
Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.133 of 2021)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioners in the event of
arrest in connection with Crime No.133 of 2021 pending on the file of
the respondent police.

For Petitioners : Mr.C.Prabakaran

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
21 (1) and 21 (4) of Mines and Minerals (Regulation and Development)
Act, 1957 and Section 379 IPC, in Crime No.133 of 2021, seek
anticipatory bail.

2. The case of the prosecution is that the petitioners have
illegally transported half unit of chisel stone in his tractor bearing
Registration No.TN 25 R 3976 on 14.05.2021.

3. The learned counsel for the petitioner would submit that the
petitioners are innocent persons and they are no way involved in the
commission of alleged offences.

4. The learned Government Advocate (Crl.Side) appearing for the respondent state on instructions would submit that in so far as the first petitioner who is the driver of the vehicle is concerned, there is one previous case pending against him and in so far as the second petitioner who is the owner of the vehicle is concerned, there is no previous case against him. However, he opposed to grant anticipatory bail to the petitioners.

5. After giving due consideration to the quantity of the stones alleged to have been carried in the vehicle and in view of the fact that the first petitioner is having only one previous case and also the fact that the second petitioner having no previous cases, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 Chief Judicial Magistrate, Dharmapuri, on condition that each of the petitioner shall execute a separate 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] each of the petitioners shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Dharmapuri District;

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

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks from the date of lifting of lock down and thereafter as and when required for interrogation;

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners 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 CHIEF JUDICIAL MAGISTRATE COURT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAMBAINALLUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE DISTRICT MEDICAL OFFICER,
DHARMAPURI DISTRICT,
TOWARDS THE COVID RELIEF FUND.

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

CRL OP.10190/2021

Date :10/06/2021

cs 09/07/2021