

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10242 of 2021

1.P.Mahendran
2.P.Krishnamoorthi

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Kambainallur Police Station
Dharmapuri District.
(Crime No.161 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on anticipatory bail in the event
of their arrest concern in Crime No.161 of 2021 on the file of the
Inspector of Police, Kambainallur Police Station, Dharmapuri District.

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 apprehend arrest by the respondent police for the
alleged offences under Sections 379 of I.P.C. r/w. Section 21(1) and
21(4) of the Tamilnadu Mines and Minerals (Development and Regulation)
Act, 1957, in Crime No.161 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have
transported illegally two units of sand in their vehicle bearing
Registration No.TN-28-BF-5342 on 25.05.2021.

3. However, it is the case of the petitioners that they are
innocent and no way involved in the offences as alleged by the
prosecution.

4. After giving due consideration to the quantum of the sand seized from the petitioners' vehicle and the nature of offences alleged to have been committed by them, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

5. 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 lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Chief Judicial Magistrate, Dharmapuri, on condition that the petitioners shall execute separate bonds 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 petitioners to pay jointly a sum of Rs.20,000/- (Rupees Twenty Thousand only), to the credit of the District Medical Officer, Dharmapuri, 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;

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On 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 laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-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 CHIEF JUDICIAL MAGISTRATE
DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

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

CRL OP.10242/2021

Date :11/06/2021

cs 08/07/2021

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