

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P. No.10252 of 2021

Mohan

... Petitioner

Vs.

State rep by

The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham,
Vellore District.
(Crime No.127 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.127 of 2020 on the file of the Inspector of Police, Gudiyatham Taluk Police Station, Gudiyatham, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

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 offence under Sections 379, 430 of I.P.C. r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.127 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that during their routine check up, they found that the petitioner and the other accused had illegally transported one unit of river sand in Mini Tipper Lorry on 11.03.2020.

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

4. After giving due consideration to the quantity of river sand which was recovered from the petitioner and also to the fact that the petitioner was carrying river sand without any valid license, 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, Gudiyatham, 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, Vellore, 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].

[g] 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 JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
GUDIYATHAM, VELLORE DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
VELLORE,
TOWARDS COVID RELIEF FUND

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

CRL OP.10252/2021

Date :11/06/2021

cs 08/07/2021