

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10287 of 2021

V.Moorthy

... Petitioner

Vs.

State by

The Sub-Inspector of Police,
Manalurpet Police Station,
Kallakuruchi District.
(Crime No.198 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.198 of 2021 on the file of Inspector of Police, Manalurpet Police Station, Kallakuruchi District on his appearance before the concern court.

For Petitioner : Mr.A.R.Inbakumar

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 offences punishable under Section 379 I.P.C, in Crime No. 198 of 2021 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported quarter unit of river sand in his Bullock Cart on 28.04.2021.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. According to him, the petitioner is no way involved in the commission of the offences as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) would submit that there is no previous case pending against the petitioner.

5. After giving due consideration to the fact that the petitioner is not having any previous cases and after giving due consideration to the quantity of river sand seized, 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, Tirukovilur 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), Perambalur, 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 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] Though obvious, it is made clear that if the accused 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,
TIRUKOVILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
KALLAKURUCHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to THANJAI P.N. CHEZHIAN
charges

Advocate on payment of necessary

CRL OP.10287/2021

Date :11/06/2021

MK:12/07/2021