

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10266 of 2021

Nagaraj @ Nagarajan D

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Minjur Police Station,
Tiruvallur District.
(Crime No.391/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioner on bail in the event of his arrest for the alleged offences under Section 379 and 430 of I.P.C in Crime No.391/2021 on the file of the respondent police, pending investigation.

For Petitioner : Mr.M.I.Javid Akbar

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

ORDER

The petitioner apprehends arrest by the respondent police for the alleged offences punishable under sections 379 & 430 of IPC in crime No.391 of 2021 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, sole accused, illegally transported one unit of Savudu sand in his vehicle bearing Registration No.TN-18-AT-4810 on 30.05.2021. However, according to the petitioner, he is an innocent person and no way involved in the alleged offences.

3.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is involved in a previous case in Crime No.4/2009 which was registered under Section 294 (B) of I.P.C, which is a bailable offence.

4. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfillment of certain 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 lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Ponneri, 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.10,000/- (Rupees Ten 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 I.P.C 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,
NO.II, PONNERI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]
- 3 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
TIRUVALLUR 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 M/S M.I.JAVID AKBAR Advocate on payment of necessary charges

WEB COPY

CRL OP.10266/2021

Date :11/06/2021

cs 09/07/2021