



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.11072 of 2021

R.Selvam

... Petitioner/Sole Accused

Vs.

The State Rep.by  
The Inspector of Police,  
Tiruvannamalai Taluk Police Station,  
Tiruvannamalai,  
Tiruvannamalai District.  
(Crime No.640 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.640 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.C.E.Pratap

ORDER

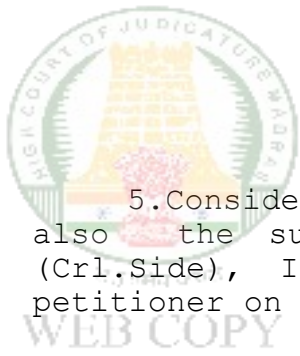
(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC and Section 21(1) of Mines and Minerals Act, in Crime No.640 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Venkatesan had taken the sand illegally. Further, the said Venkatesan had been arrested and the confession of Venkatesan, the petitioner was falsely implicated in this case. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) would submit that there is no previous case against the petitioner.



5. Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioner on 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 receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Tiruvannamalai, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
29/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,  
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THIRUVANNAMALAI TALUK POLICE STATION,  
TIRUVANNAMALAI,  
THIRUVANNAMALAI DISTRICT

+1CC to M/S B.JAWAHAR Advocate on payment of necessary  
charges SR NO.6894

CRL OP.11072/2021

Date :29/06/2021

MK:09/07/2021