

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11837 of 2021

Ram Mohan Prabhu

... Petitioner

Vs.

The Inspector of Police,
Arumbavoor Police Station,
Perambalur District.

... Respondent

Prayer: Petition filed under Section 438 of Cr.P.C., seeking to grant anticipatory bail and to direct the release the petitioner on bail, in the event of his arrest by the respondent police in Crime No.426 of 2021 under Sections 143, 286, 337, 379 of IPC r/w. Sections 3 and 6 of Explosive Substances Act, 1908 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 subject to the satisfaction of the Judicial Magistrate, Perambalur.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 143, 286, 337, 379 of IPC r/w. Sections 3 and 6 of Explosive Substances Act, 1908 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.426 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to the quarry activities carried out by the petitioner along with the other accused in a Government poromboke land, one person lost his life.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the other accused, without prejudice to their rights, jointly deposited a sum of Rs.5 Lakhs in the account of the legal heirs of the deceased on 09.07.2021.

4.The learned Government Advocate (Crl. Side) submits that account has been opened in the name of the legal heirs of the deceased and amount has been deposited.

5.Considering the fact that the accused, without prejudice to their rights, have jointly deposited a sum of Rs.5 Lakhs in the account of the legal heirs of the deceased, this Court is inclined to grant anticipatory bail to the petitioner.

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, Perambalur, 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. until further orders;

(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/-

12/07/2021

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

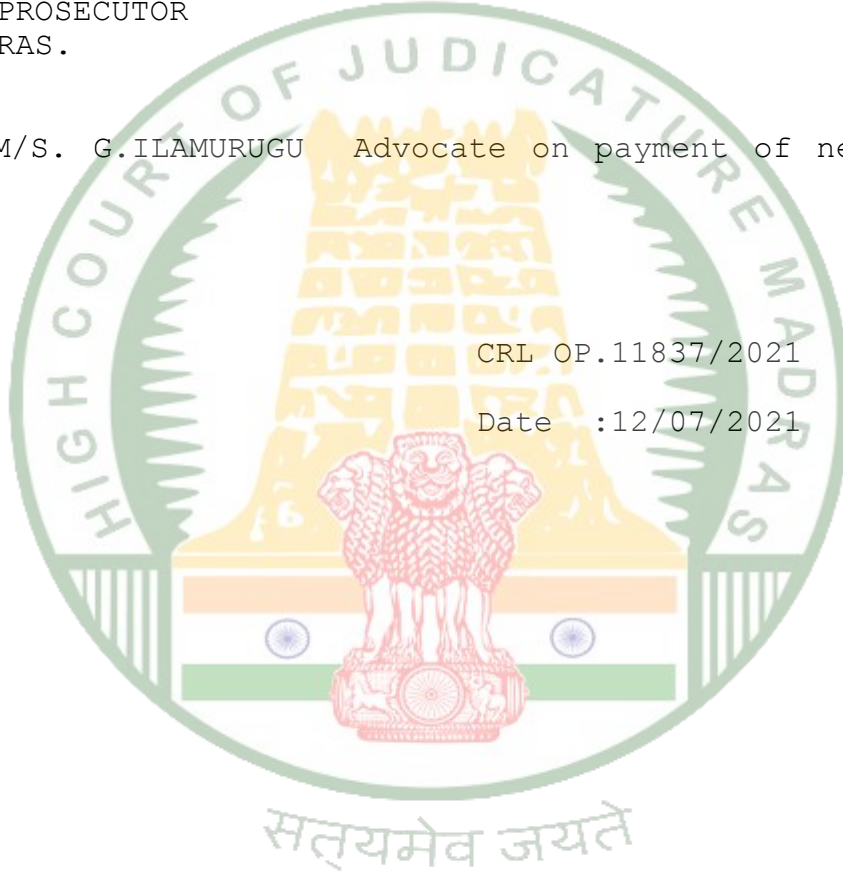
1 THE JUDICIAL MAGISTRATE,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
PERAMBALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ARUMBAVOOR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges
SR.NO. 7269



CRL OP.11837/2021

Date :12/07/2021

MN-13/07/2021

WEB COPY