

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.19757 of 2020

R.Selvadurai @ Chelladurai

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
(Crime No. 56 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of arrest in Crime No. 56 of 2020, pending investigation on the file of the Sub-Inspector of Police, Muthandikuppam Police Station, Cuddalore District.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.S.K.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 2(1) of Mines & Minerals (Development and Regulation) Act, 1957 and 430 and 379 of IPC, in Crime No. 56 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner has transported $\frac{1}{4}$ unit of sand from river by using Bullock Cart without any valid licence. Hence, the complaint.

3 The learned counsel appearing for the petitioner submitted that this is the second anticipatory bail application and he further submitted that on the earlier occasion, the petitioner has already granted anticipatory bail by this Court in CrI.O.P No.6404 of 2020 dated 19.03.2020. Since the petitioner was unable to execute the sureties within a period of two weeks as directed by this Court. Hence, the present application is filed seeking for anticipatory bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Taking note of the fact that the petitioner has already granted anticipatory bail, however the same was automatically cancelled due to non-execution of sureties, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Judicial Magistrate, No.I, Panruti, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall deposit a sum of Rs.6,000/- (Rupees six thousand only) to the credit of Crime No.56 of 2020 before the concerned Magistrate, before executing the bond.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m and 5.30 p.m until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/01/2021

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.I, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
MUTHANDIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S A.M.RAHAMATH ALI Advocate on payment of necessary charges SR.No.442

CRL OP.19757/2020

Date :11/01/2021

cs 22/01/2021

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