

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20154 of 2020

M.Shankar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Baluchettychathiram Police Station,
Kancheepuram District.
(Crime No. 31 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. 31 of 2020, pending investigation on the file of the Sub-Inspector of Police, Baluchettychathiram Police Station, Kancheepuram District.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.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 379, 430 of IPC r/w 21(1) of the Tamil Nadu Mines & Minerals (Development and Regulation) Act, 1957 and Section 3 (1) of TNPPDL Act, in Crime No. 31 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner had illegally transported 3 units of sand by using lorry without any valid licence. This is the second application before this Court. It is submitted that, on the earlier occasion, an anticipatory bail was granted by this Court in Crl.OP.No.4154 of 2020 dated 25.02.2020 with a condition to deposit a sum of Rs.45,000/- (Rupees forty five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust with execution of two sureties within a period of two weeks from the date of receipt of copy of that order.

3 In view of the above, the learned counsel appearing for the petitioner submitted that the petitioner had already paid the fine amount to the concern trial Court, however, due to the present Covid pandemic situation, he is not able to execute the sureties in time. Hence the anticipatory bail is automatically stands dismissed. The petitioner has earlier approached this Court for the execution of sureties and this Court dismissed that petition with a liberty to the petitioner to file a fresh petition for seeking anticipatory bail, and hence, this anticipatory bail application is filed.

4 The learned Additional Public Prosecutor appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5 Taking note of the facts and circumstances that the petitioner has already paid the fine amount of Rs. 45,000/- before the concerned Trial Court and also considering that there is no antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner is directed to be released on bail in the event of their arrest or their appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular organization.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 the 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7 With the above directions, this Criminal Original Petition is ordered.

-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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
BALUCHETTYCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges
SR.No.422

WEB COPY

CRL OP.20154/2020

Date :11/01/2021

cs 22/01/2021