

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.21119 of 2020

Palani

... Petitioner/ Accused 2

-Vs-

The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore.
(Crime No.62 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on anticipatory bail in the event of his arrest pending investigation in Crime No.62 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Neethidurai

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

(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 21 (i) of Mines and Minerals (Development & Regulation) Act 1957 r/w 379, 430 of IPC, in Crime No.62 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is arrayed as A2. The case of the prosecution is that the petitioner/A2 and along with other accused/A1 have transported ¼ unit of Sand illegally by using the Bullock Cart, without any valid licence. Hence, a complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner never indulged in any such offence as alleged by the prosecution. He would submit that

A1 has been granted anticipatory bail in CrI.OP.No.5765 of 2020 dated 13.03.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river sand involved is 1/4 unit. He further submitted that there are no previous cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Taking note of the facts and circumstances and the petitioner had no bad antecedents, 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 his arrest or on his appearance 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 for a 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 crime number.

[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.**

[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 is 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/-
08/01/2021

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 INSPECTOR OF POLICE,
MUTHANDIKUPPAM POLICE STATION,
CUDDALORE.

CC to M/S.V.NEETHIDURAI Advocate on payment of necessary charges

CRL OP.21119/2020

Date :08/01/2021

TA-29/01/2021

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