

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20903 of 2020

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ambalur Police Station,
Vellore district.
(Crime No. 372 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. 372 of 2020, pending investigation on the file of the Inspector of Police, Ambalur Police Station, Vellore District.

For Petitioner : Mr.R.Parthiban

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 379, 430 of IPC r/w 21(1) of Mines & Minerals (Development and Regulation) Act, 1957, in Crime No. 372 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner is said to have transported $\frac{1}{4}$ unit of river sand illegally by using tractor without any valid licence. Hence, the complaint.

3 The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is the owner of the vehicle. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is ¼ unit. He further submitted that there was one previous case in the year 2019 as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] 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, Vaniyambadi, Vellore District**, on 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 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their 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.

[c] the petitioners shall appear before the respondent police daily at 10.30 am for a 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 petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. 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 COURT,
VANIYAMBADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
VELLORE DISTRICT.

CC to M/S. R.PARTHIBAN Advocate on payment of necessary charges

CRL OP.20903/2020

Date :11/01/2021

TA-02/02/2021

WEB COPY