



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.21112 of 2021

M.IFTHIKHAR AHMED

[PETITIONER / ACCUSED]

Vs

STATE REP BY
DEPUTY SUPERINTENDENT OF POLICE,
CBCID, SALEM DISTRICT
CRIME NO.2 OF 2015

[RESPONDENT]

For Petitioner : M/S M.MOHAMMED RIYAZ Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 120(B), 447, 379 of IPC read with 21(1) and 4(1) of Mines and Minerals (Regulation and Development) Act, 1957 in Crime No.2 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, as per the FIR the District Collector Salem has permitted one Karthik to quarry 42,500 cubic meter or 7083 lorry loads of gravel earth from the Village lake of Manathal in Survey Nos.1/1 (Part), 1/2 (Part), 24/1(Part) and 24/2 (Part) in an extent of 4.25.0 Hectares under Tamil Nadu Mines and Minerals.

3. The learned counsel appearing for the petitioner submits that, the FIR is of the year 2015 and the petitioner name was not found in the FIR and the respondent police have summoned the petitioner. The petitioner/Ifthikhar Ahmed has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) submits that, the investigation is almost completed.



5. Considering the facts and circumstances, the offence happened in the year 2015 and A1 who was the main role has already granted anticipatory bail in Crl.O.P.No.19774 of 2021 and the co-accused was already granted Anticipatory bail. The petitioner/Iftikhhar Ahmed name doesn't find place in the FIR. Considering the age of the petitioner and his educational qualification, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 IV, Salem, 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, 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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.

WEB COPY

-sd/-

11/11/2021

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.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 DEPUTY SUPERINTENDENT OF POLICE,
CBCID,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.MOHAMMED RIYAZ Advocate on payment of necessary charges Sr.12646

CRL OP.21112/2021

Date :11/11/2021

RVR 15/11/2021