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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21884 of 2021

E.Sridhar

...Petitioner

Versus

State Rep by
Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur District
(Crime No. 419 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No. 419 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayaseelan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 379, 430 of I.P.C r/w 21(1) of MMDR Act, in Crime No.419 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner was involved in illegal transportation of 1/2 unit of river sand in a Tractor, without obtaining any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that without prejudice to his defence and contentions, the petitioner is ready to deposit any considerable amount, on his own volition, to any charitable institution. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that petitioner was involved in illegal transportation of 1/2 unit of river sand and he further submits that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Learned Judicial Magistrate Court No.2, Thiruvallur 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as non-refundable deposit in favour of "Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur" within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and 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 petitioner is directed to report before the respondent police daily at 10.30 a.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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
19/11/2021

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.2, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-6, MAPPEDU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SOCIETY FOR THE EDUCATIONAL
AND ECONOMIC DEVELOPMENT (SEED) REG.,
SRIPERUMBUDUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.JAYASEELAN Advocate on payment of necessary charges SR.NO.13044

CRL OP.21884/2021

Date :19/11/2021

CSK 26/11/2021