



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.22365 of 2021

GOKULAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
THIRUVLLUR DISTRICT
(CRIME NO.601 OF 2020)

[RESPONDENT]

For Petitioner : M/S. M.VINOTH Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

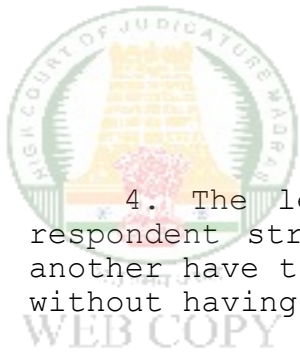
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 21(1) of Mines and Minerals (R & D) Act , 1957 and Section 379 of IPC in Crime No.601 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, while the respondent police was in regular ride, they found that the petitioner along with another said to have transported sand illegally in his lorry vehicle without having valid license and Government permission, thereby the police had seized the vehicle. Hence, the criminal case has been registered against them.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he is no way connected with the offence and he has been falsely implicated as accused in this case. He would further submit that the petitioner is ready to abide by any conditions that may be imposed by this Court for granting anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed stating that the petitioner along with another have transported one unit of river sand in his lorry illegally without having valid license .

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Considering the said 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 Court No.II, Poonamallee, 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 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 the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Shabnam Resources, Indian Bank, Kodambakkam Branch, Trustpuram, Chennai 600 024, A/c.No.401673346, IDIB000K040, Swift Code, IDIB INBB TSY (Mobile No.99624 30097) within a period of two weeks from the date of receipt of a copy of this order.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].



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

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

-sd/-
02/12/2021

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
THIRUVLLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SHABNAM RESOURCES,
INDIAN BANK, KODAMBAKKAM BRANCH,
TRUSTPURAM, CHENNAI 600 024,
A/C.NO.401673346, IDIB000K040,
SWIFT CODE, IDIB INBB TSY
(MOBILE NO.99624 30097)

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO.13969

CRL OP.22365/2021

Date :02/12/2021

JPA 06/12/2021