

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13565 of 2018

RAJAMANICKAM

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO. 308 OF 2018.

[RESPONDENT]

For Petitioner : M/S.V.MANIMARAN Advocate

For Respondent : MR.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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 offences punishable under Sections 379, 430 of I.P.C.r/w.Section 21(1) of Mines and Minerals Act and Section 3(1) of TNPPDL Act in Crime No.308 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with Accused Nos.1 and 2 had illegally transported the sand.

3.The learned counsel for the petitioner submitted that the petitioner was added as Accused No.3, based on the confession given by the co-accused. He further submitted that the petitioner has not committed any offence. He also submitted that already the driver and the cleaner of the vehicle viz, A1 and A2 were arrested and released on bail. Hence, he requested to grant Anticipatory Bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is the owner of the vehicle in which two units of river sand was illegally transported. She further submitted that already Accused Nos. 1 and 2 were arrested and subsequently released on bail. However, she strongly opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the fact that already the Accused Nos.1 & 2 were arrested and subsequently released on bail and there

is no previous case against the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.II, Kancheepuram 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner should deposit the sum of Rs.10,000/- before the Judicial Magistrate No.II, Kancheepuram.

(ii) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent Police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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 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]**.

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/05/2018

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, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.V.MANIMARAN Advocate on payment of necessary
charges SR.NO. 9413

CRL OP.13565/2018

Date :23/05/2018

RD 28/05/2018