

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13899 of 2018

BABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
WALAJAPET, VELLORE DISTRICT.
CR.NO. 229 OF 2018

[RESPONDENT]

For Petitioner : M/S.M.KARTHIKEYAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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 offences under Sections 379 & 430 of I.P.C., in Crime No.229 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that as per the First Information Report, the petitioner has transported half unit of sand illegally in a lorry bearing registration No.TN-73-B-1068. He has also submitted that there is no previous case against the petitioner. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor has fairly conceded that no previous case is pending against the petitioner herein. However, she strongly opposed the petition.

5. Considering the fact that the allegation against the petitioner is that he transported half unit of sand illegally and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court-II, Walajapet, Vellore District within a period of 15 days from the date of receipt of a copy of this order, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 conditions that:

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

[b] the petitioner shall deposit a sum of Rs.2,500/- before the Judicial Magistrate-II, Walajapet.

[c] 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.

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

[e] the petitioner shall not tamper with evidence or witness 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 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]**.

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

-sd/-
24/05/2018

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, WALAJAPET, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
WALAJAPET, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.KARTHIKEYAN Advocate on payment of necessary
charges in SR.NO. 9418

CRL OP.13899/2018

Date :24/05/2018

MLT-07/06/2018