

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.16152 of 2018

G.LAKSHMINARAYANAN @ KUTTY

[PETITIONER / ACCUSED]

Vs

STATE THROUGH

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
D-4, PADALAM POLICE STATION,
KANCHEEPURAM DISTRICT,
PINCODE-631 501.
CR.NO. 184 OF 2018

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR.R.SURYAPRAKASH Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police, who had registered a case against him in Crime.No.184 of 2018 for the alleged offences under Sections 430, 379 of I.P.C r/w under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. The learned Government Advocate (Criminal Side) would submit that there are three previous cases were registered against the accused in respect of the same allegations.

3. The learned counsel for the petitioner would submit that none was arrested and according to the prosecution, when the respondent went to the place, the persons who alleged who have parked the tipper lorry had illegally transported the sand and on seeing this they escaped from the place. Thereafter, the respondent had identified the tipper lorry bearing Regn.No.TN-76-W-3699, which was parked near the river bed and on inspection, it was found that the lorry contained 2 units of sand without any licence and enquired with the local people, they identified him and informed that the petitioner is innocent and he has been falsely implicated. Admittedly, the second accused being owner of the lorry is arrested.

4. In view of the above said facts and circumstances of the case, this Court is inclined to grant Anticipatory bail to the

petitioner.

5. 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.1, Chengalpattu, on the following conditions:

(i) 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 :

(ii) the petitioner shall appear before the respondent-police daily at 10.30a.m until further Orders.

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

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

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

(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 is are 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 of IPC.

-sd/-
22/06/2018

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.I, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
D-4, PADALAM POLICE STATION,
KANCHEEPURAM DISTRICT,
PINCODE-631 501.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges SR.NO. 11265

CRL OP.16152/2018

Date :22/06/2018

RD 29/06/2018