

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17616 of 2018

G.RAM KONAN

[PETITIONER / ACCUSED]

Vs

STATE

[RESPONDENT]

INSPECTOR OF POLICE,
MANIMANGALAM POLICE STATION,
CHENNAI DISTRICT.
CR.NO. 92 OF 2018

For Petitioner : M/S.D.BALAJI Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.92 of 2018 registered by the respondent police for the offence punishable under Sections 430, 379 of IPC.

2. The case of the prosecution as per the de-facto complainant is that on 21.03.2018, the petitioner along with other accused illegally transported two units of sand.

3. The learned counsel for the petitioner would submit that the petitioner earlier approached this Court seeking anticipatory bail in CrI.O.P.No.10683 of 2018 and this Court had granted anticipatory bail imposing conditions and also directing the petitioner to surrender before the concerned Magistrate, within a period of 15 days or else the order stands cancelled. He would submit that the petitioner, due to his illness, was unable to surrender before the concerned Court, within a period of 15 days. He would submit that the petitioner is prepared to surrender before the said Court on any stringent condition.

4. The learned Additional Public Prosecutor would submit that the petitioner has not complied with the earlier order passed by this Court and that the petitioner may be granted anticipatory bail on any stringent condition.

5. Taking into consideration the facts of the case and the

submissions made by the counsels and that since the petitioner has not complied with the earlier order only due to his illness, this Court feels that the anticipatory bail may be granted on some stringent conditions, imposing cost.

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, Sriperumbuthur, 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 said Magistrate, on further condition that:

[a] the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

[b] the petitioner shall also pay Rs.5,000/- (Rupees Five Thousand only) to the credit of Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) and produce it before execution of sureties.

[c] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[d] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[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 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]**.

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

-sd/-
12/07/2018

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,
SRIPERUMBUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANIMANGALAM POLICE STATION,
CHENNAI DISTRICT.

5 THE CHAIRMAN/DISTRICT
COLLECTOR, DISTRICT MINERAL FOUNDATION TRUST,
KANCHEEPURAM

6 THE SECTION OFFICER,
ACCOUNTS SECTION ,
CHIEF JUSTICE RELIEF FUND,
HIGH COURT ,MADRAS

+1 CC to M/S.D.BALAJI Advocate on payment of necessary charges
SR.NO. 12983

CRL OP.17616/2018

Date :12/07/2018

RD 19/07/2018