

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Second day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.4741 of 2020

T.ARIVAZHAGAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

[ RESPONDENT ]

INSPECTOR OF POLICE,  
REDHILLS POLICE STATION,  
CHENNAI-600 052.  
CR.NO.744/2019.

For Petitioner : M/S.V.BALU Advocate

For Respondent : MR.K.PRABAKAR 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 and 431 of IPC in Crime No.744 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner to have transported 6 units of river sand without any valid license. Hence, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent of the offences and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has transported 6 units of sand without any valid license and there is no previous case as against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

6. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the

petitioner is directed to deposit a sum of Rs.90,000/- (Rupees Ninety Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

7. Merely, because the first petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall deposit a sum of Rs.90,000/- (Rupees Ninety Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, he 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Ponneri, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall deposit a sum of Rs.90,000/- (Rupees OneNinety Thousand) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

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

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

[e] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
02/03/2020

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, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
REDHILLS POLICE STATION,  
CHENNAI-600 052.

5 THE OFFICER IN CHARGE  
DISTRICT MINERAL FOUNDATION TRUST,  
THIRUVALLUR

+1 CC to M/S.V.BALU Advocate on payment of necessary charges  
SR.NO. 4224

WEB COPY  
CRL OP.4741/2020  
Date :02/03/2020

RD 06/03/2020