

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 6159 of 2020

1. Santhosh, S/o. Sivalingam,
Aged about 30 years,

2. Devaraj, .S/o.Arumugam,
Aged about 31 years,
Both are residing at
Piraminar Street,
Thirumani, Arani,
Thiruvannamalai District.

... Petitioners

Vs.

State Rep. by
The Sub-Inspector of Police,
Walajapet Police Station,
Ranipet District.

Cr. No.129 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the **petitioners** on bail in the event of **their** arrest in
Crime No.129 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 and 307 IPC, in Crime No.129 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported river sand illegally. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the 1st petitioner is the driver and the 2nd petitioner is the owner of the vehicle. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are alleged to have transported river sand illegally. He further submitted that there is no previous case pending against the petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Cancer Institute, Adayar, Chennai , without prejudice to his rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit

to the credit of Cancer Institute, Adayar, Chennai within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Wajala, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood relative 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 petitioners 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 petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of the Cancer Institute, Adayar, Chennai and shall produce the said receipt before the Court below.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

22.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

msrm

To

1. The learned Judicial Magistrate No.II
Walaja.
2. The Sub-Inspector of Police,
Walajapet Police Station,
Ranipet District.
3. The Public Prosecutor,
Madras High Court,

Crl.O.P.No.6159 of 2020

Chennai.

G.K.ILANTHIRAIYAN, J

msrm



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