

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6805 of 2020

NAVARAJ

[PETITIONER / ACCUSED]

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
KANCHEEPURAM DISTRICT.
(CRIME NO. 12 OF 2020)

[RESPONDENT]

For Petitioner : R.SASIKUMAR Advocate

For Respondent : MR.S.KARTHIKEYAN ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379, 430 of IPC read with Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has involved in illegal transportation of 1/2 unit of sand.

3.Learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case.

4.Learned Additional Public Prosecutor would submit that the petitioner was involved in illegal transportation of 1/2 unit of sand. He would further submit that the petitioner has no previous case.

5.Considering the fact that the petitioner has no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.I, Chengalpattu, 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 learned Magistrate concerned and on further condition that:

(a)the petitioner shall deposit a sum of Rs.7,000/- (Rupees Seven Thousand Only) directly to Balavihar, Halls Road, Kilpauk, Chennai - 600 010 within a period of two weeks. The receipt of such payment shall be produced at the time of executing the bond, failing which, the petitioner shall not be released on anticipatory bail.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/03/2020

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.I,CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE BALAVIHAR
HALLS ROAD,KILPAUK,
CHENNAI-600010.

CC to R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.6805/2020

Date :23/03/2020

RD 28/05/2020