

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7718 of 2020

R. Ramalingam,
S/o. Rajangam,
Kanniammankoil Street,
Mamangalam Village & Post,
Kattumannarkoil Taluk,
Cuddalore District. .. Petitioner/ Sole Accused

The State rep. by its
Inspector of Police,
Solatharam Police Station,
Cuddalore District.
[Crime No. 75 of 2020] .. Respondent/Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. D. Padmanabhan
for M/s. A. Gopinath

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 379 and 430 of I.P.C., in Crime No. 75 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 07.04.2020, when the de-facto complainant and his Police party were checking the theft of sand, they found petitioner was loading sand in his bullock cart. On seeing the Police, the petitioner left the bullock cart with sand and ran away from the place of occurrence. On search, it was found that the petitioner has loaded quarter unit of sand with an intention to sell in the open market, without any permission or license, affecting the water source. On complaint, a case has been registered under Sections 379 and 430 of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The bullock cart was used by the petitioner only for transporting the goods. The petitioner is innocent and he has been falsely implicated in the case. The

petitioner will co-operate with the investigation and will not tamper the witness and hamper the investigation. The petitioner will abide by any conditions imposed by this Court and prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner who is the owner of the bullock cart transported the sand without any permission or license. The investigation is pending and hence, opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the facts, nature of offence and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance

within 15 days from the date of receipt of a copy of this order before the Court of the District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, 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 District Munsif cum Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by Demand Draft in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund (CMPRF), Finance Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 or by Electronic Clearing System (ECS) to the Savings Bank Account No. 11720 10000 00070 of CMPRF to the Indian Overseas Bank, Secretariat Branch, Chennai 600 009 bearing IFSC Code IOBA0001172 and CMPRF PAN – AAAGC0038F, towards the fund collected for COVID-19, within a period of

one week from the date of receipt of a copy of this order.

(iii) the petitioner shall report before the respondent Police once in a week on every Monday at 10.30 a.m, until further orders.

(iv) the petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as laid down in the decision of the Hon'ble Supreme Court, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(vi) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, the Criminal Original Petition is allowed.

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20.05.2020

Index : Yes / No

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V.M.VELUMANI, J.,

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To

1.The Inspector of Police,
Solatharam Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.



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