

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8457 of 2020

Sampath

..Petitioner/Single Accused

/vs/

State rep.by

..Respondent/complainant

The Inspector of Police,
Vaniyambodi Taluk Police Station,
Vellore District.
Crime No.768/2020.

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.768/2020 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 427, 379 of IPC in Crime No.768 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had cut down the Neem trees worth Rs.10,000/- , which was standing in the poramboke land.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are no previous cases against the petitioner.

5.This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.1,500/- (Rupees one thousand and five hundred only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to his rights and contentions before the trial Court.

6. Merely because the petitioner has 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.

7. Taking note of the fact and circumstances, 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 arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif-cum-Judicial Magistrate, Vaniyambodi, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five 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.1,500/- (Rupees one thousand and five hundred only) as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No. 484026006, IFSC Code: IDIB000M157).

(c) the petitioner shall report before the respondent police 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 229A IPC.

-sd/-

11/06/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VANIYAMBODI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK
ASSOCIATION, MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH, A/C NO.
484026006, IFSC CODE:IDIB000M157)

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.8457/2020

Date :11/06/2020

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TA-17/07/2020