

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED :11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

CrI.O.P.No.8502 of 2020

Murugan

...Petitioner

vs.

State rep. By

....Respondent

The Inspector of Police
Kalasapakkam Police Station,
Tiruvannamalai District.
Crime No.799 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 799 of 2020 on the file of the Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai District.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.M.Mohamed Riyaz

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379, 430 of IPC r/w. Section 21(5) of Mines and Minerals (Regulation and development) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevention of damage and Loss) Act, 1992, in Crime No.799 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegally transporting one unit of sand in a Van without any permit or valid licence and it was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the owners of the Van and that he was innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 1 unit of sand. The learned counsel further submitted that there are two previous cases pending against this petitioner.

5. This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.11,000/- (Rupees eleven Thousand only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

6.Merely, because the petitioner have 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.

7. Taking into consideration the facts 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 Principal District Sessions Court, Tiruvannamalai District, on condition that the petitioners shall execute a separate bond for a sum of Rs.11,000/- (Rupees eleven 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 his adhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, as and when required.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] 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 PRINCIPAL DISTRICT SESSIONS COURT,
TIRUVANNAMALAI DISTRICT.

2 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALSAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S. D.BALAJI Advocate on payment of necessary charges

CRL OP.8502/2020

सत्यमेव जयते Date :11/06/2020

TA-17/07/2020

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