

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No. 8511 of 2020

Venkatesan

...Petitioner/ Accused

..Vs..

The State,
Rep. By the Inspector of police,
Gudiyatham Taluk Police Station,
Vellore District.

(In Crime No.222 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.222 of 2020 on the file of the Inspector of Police, Gudiyatham Taluk Police Station, Vellore District.

For Petitioner : M/s D.Balaji

For Respondent: Mr. M.Mohammed Riyaz, APP

ORDER

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offense punishable under Section 379, 430 of IPC r/w 21(5) of M.M (D&R) Act 1957, in Crime No.222 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegally transporting two units of sand in a SWARAJ MAZDA MINI TIPPER Lorry bearing Registration No. TN 67 X 9088, without any permit or valid license which was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only driver of the said vehicle and that he is innocent and they did not commit any offense as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the quantity of sand involved is two units of sand. The learned counsel further submitted that there are four previous cases pending against the petitioner.

5.This Court is of the opinion that the petitioner can be directed to

deposit a sum of Rs.40,000/- (Rupees Forty thousand only) as non-refundable deposit to the credit of **the Tamil Nadu Advocate Clerks Association, High Court, Madras**, without prejudice to his rights and contentions before the trial Court. 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.

6. 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 Judicial Magistrate, Gudiyatham on condition that the petitioner shall execute a separate 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, 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.40,000/- (Rupees fourty thousand only) to the credit of the **Tamil Nadu Advocate Clerks Association, High Court, Madras.**

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks 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]**.



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N.ANAND VENKATESH, J

jrs

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2020

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
jrs

To

- 1.The Judicial Magistrate, Gudiyatham.
2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

- 3.The Additional Public Prosecutor,
High Court, Madras.

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