

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8539 of 2020

Mari,
S/o.Muniyandi,
Aged about 29 years,
Mariamman Koil Street,
Kancheepuram District.

..... Petitioner

-Vs-

State Rep by:
The Sub Inspector of Police,
Magaral Police Station,
Kancheepuram District.
(Crime No.276 of 2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.276 of 2020, on the file of the respondent police.

For Petitioner : Mr.Sasikumar

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

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379, 430 of IPC r/w. Section 3(1) of Tamil Nadu Public Property (Prevention of damage and Loss) Act, 1992, in Crime No.276 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 1/2 unit of sand in a Bolero Max 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 owner of the Bolero Max and that he is an innocent person 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 petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police 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.30,000/- (Rupees thirty 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, No.II, Kancheepuram, 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.30,000/- (Rupees thirty thousand only) to the credit of the 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].**

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

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12.06.2020

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N.ANAND VENKATESH., J.

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To

1. The Judicial Magistrate, No.II, Kancheepuram.
2. The Public Prosecutor,
Madras High Court, Chennai – 108.



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