

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2020

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8544 of 2020

Vijayabalan @ Vijayabalu
S/o.Panneerselvam,
No.57, North Street,
Old Edakkuppam,
Virudhachalam Taluk,
Cuddalore District.

..... Petitioner

-Vs-

State Rep by its:
The Inspector of Police,
Aladi Police Station,
Cuddalore District.
(Crime No.39 of 2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to grant anticipatory bail in the event of arrest of petitioner in connection with Crime No.39 of 2020, on the file of the respondent police.

For Petitioner : Mr.T.Meganathan

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 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.39 of 2020 on the file of the respondent police, seeks anticipatory bail.

illegally transporting Half unit of sand in a Bullock Cart 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 an 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 petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are no 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.5,000/- (Rupees five 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 Court No.II, Virudhachalam, 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.5,000/- (Rupees five 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].**

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

सत्यमेव जयते

12.06.2020

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To

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

N.ANAND VENKATESH., J.

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