

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8546 of 2020

1.Kumar, Age 48 years,
S/o.Santhanam,
No.16/60, Chavadikuppam,
Mariyamman Koil Street,
Virudhachalam Taluk,
Cuddalore District.

2.Jayabal, Age 42 years,
S/o.Selvarasu,
No.7, Pananthopu,
Savadikuppam,
Virudhachalam Taluk,
Cuddalore District.

..... Petitioners

State Rep by:

The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

(Crime No.229 of 2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to grant anticipatory bail in the event of arrest of petitioners in connection with Crime No.229 of 2020, on the file of the respondent police.

For Petitioners : Mr.T.Meganathan

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

ORDER

The petitioners 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 Act, 1957, in Crime No.229 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegally transporting 1/2 unit of sand in Bullock Cart without any permit or valid licence and it was seized by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have 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 there are no previous cases pending against the petitioners.

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

6.Merely, because the petitioners have 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 into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) each as non-refundable deposit to the credit of **President Tamil Nadu Advocate Clerk Association, High Court, Madras(A/c.No.484026006 IFSC Code No.IDIB000M157)** each and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Virudhachalam, on condition that

the petitioners 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 petitioners 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of the **President Tamil Nadu Advocate Clerk Association, High Court, Madras.**

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

12.06.2020

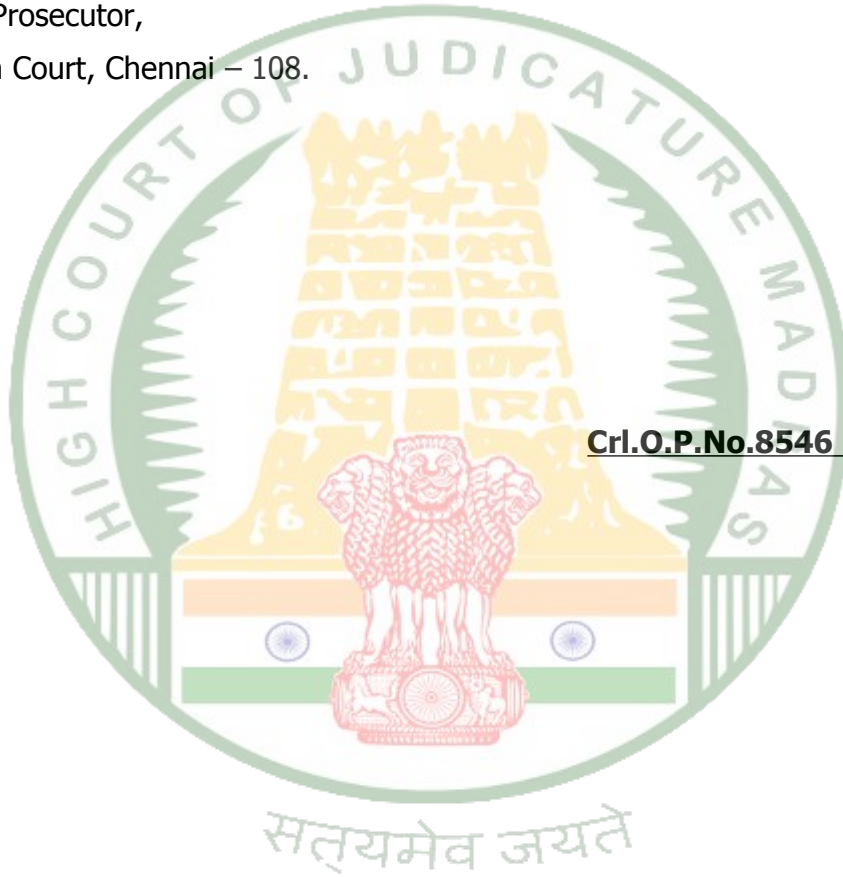
ub

N.ANAND VENKATESH,,J

ub

To

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

**Crl.O.P.No.8546 of 2020****WEB COPY****12.06.2020**