

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

CrI.O.P.No.8572 of 2020

1. Raja  
2. Kesavan

... Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
Velur Police Station,  
Namakkal District.  
(Crime No. 485 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioners on bail in the event of their  
arrest in Crime No.485 of 2020 on the file of the respondent police.

For Petitioners : Mr. W. Camyles Gandhi

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

O R D E R

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offence punishable under Sections  
379 of IPC in Crime No.485 of 2020, on the file of the respondent  
police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are  
alleged to have transported 6 units of river sand illegally. Hence  
the complaint.

3. The learned counsel appearing for the petitioners would  
submit that the petitioners are innocent persons 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 the quantity of sand involved is 6 units of  
river sand. He further submitted that there are 3 previous cases  
pending as against the 1<sup>st</sup> petitioner and 1 previous case pending as  
against the 2<sup>nd</sup> petitioner. Hence, he opposed for the grant of  
anticipatory bail to the petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) jointly as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners deposit 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.

6. Taking note of 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.1,00,000/- (Rupees One Lakh only) jointly as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, within fifteen days from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Paramathy, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.1,00,000/- (Rupees One Lakh only) jointly to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and shall produce the said receipt before the Court below.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

29/06/2020

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 JUDICIAL MAGISTRATE,  
PARAMATHY

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
VELUR POLICE STATION,  
NAMAKKAL DISTRICT.

4 ARIGNAR ANNA MEMORIAL  
CANCER HOSPITAL & RESEARCH INSTITUTE,  
KANCHEEPURAM.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.8572/2020

सत्यमेव जयते Date :29/06/2020

RVR 18/08/2020

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