

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH, J.**

Crl.O.P.No.8607 of 2020

Veerasamy @ Veeramani

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Anaicut Police Station
Kancheepuram District
Cr. No.136/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.136 of 2020 on the file of the respondent herein.

For Petitioner : Mr.G.Magesh Kumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379, 430 IPC r/w. Sec.21 (1) of Mines and Minerals (D & R) Act, 1957 in Crime No.136 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was illegally transporting half unit of river 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 the owner of the bullock cart and that he is 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 the petitioner was illegally transporting half unit of river sand. The learned counsel further submitted that there are two 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.6,000/- (Rupees six thousand only) as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerk 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 of 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, Madurantakam, 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.6,000/- (Rupees six 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.

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Internet : yes / no

To.

1.Judicial Magistrate
Madurantakam

2.The Inspector of Police
Anaicut Police Station
Kancheepuram District
Cr. No.136/2020)

3.The Public Prosecutor
High Court of Madras
Chennai 600 104



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N.ANAND VENKATESH, J.

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