

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

Crl. O.P. No.8621 of 2020

1. Vinoth @ Vinoth Prabhakaran
2. Thiyagu

.... Petitioner

-Vs-

State rep. by
Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
(Crime No.184 of 2020)

.... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.184 of 2020 on the file of the respondent police.

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulations) Act 1957, in Crime No.184 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while conducting a prohibition raid by the respondent police, the petitioners have illegally transported one unit of sand by using a tractor 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 the quantity of sand involved is one unit. He

would further submit that there is no previous case against the petitioners.

5.This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit to the credit of the **Tamil Nadu Advocate Clerk Association, High Court, Madras**, without prejudice to their rights and contentions before the trial Court. 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.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, 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, Nannilam, on condition that the each of the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five 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.10,000/- (Rupees Ten thousand only)** as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157);**

[c] the petitioners shall report before the respondent police 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

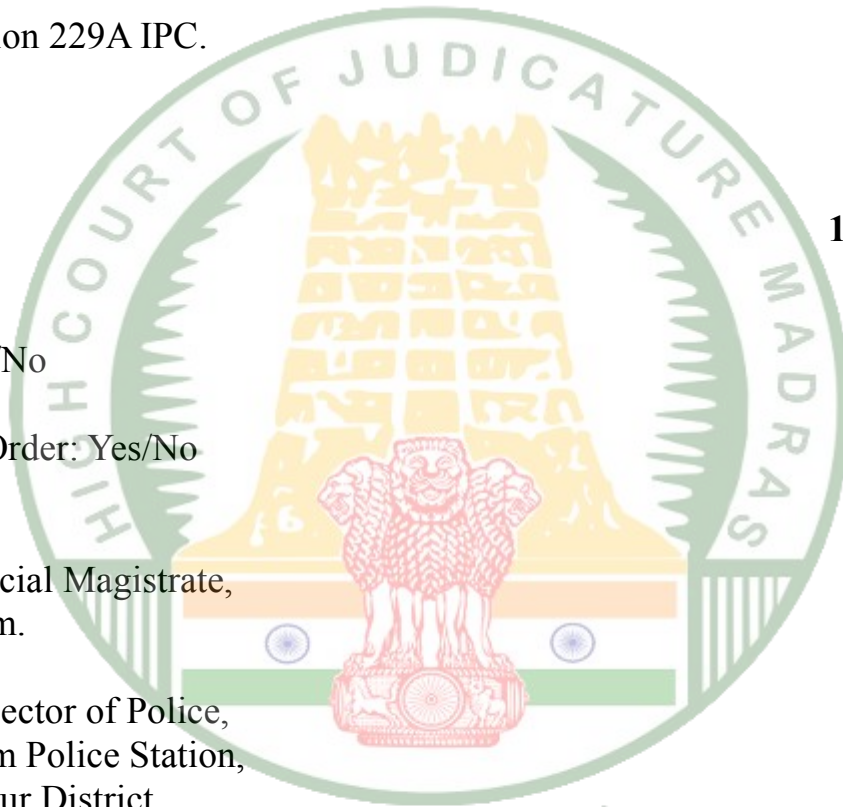
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Index: Yes/No

Speaking Order: Yes/No

To

1. The Judicial Magistrate,
Nannilam.
2. The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



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N.ANAND VENKATESH, J.

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