

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8703 of 2020

1. Johanbal
2. Subramanian

... Petitioners

Vs.

The State Rep. By its
The Inspector of Police,
Thittacherry Police Station,
Nagappattinam District,
Crime No. 500 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to enlarge the petitioners/accused on bail in the event of arrest in connection with Crime No.500 of 2020, on the file of the respondent police.

For Petitioner : Ms.Greetha Senthilkumar

For Respondent : Mr.K.Prabakar
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 Section 379 and 430 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.500 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of sand in a tractor 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 of sand. He further submitted that the petitioners are driver and cleaner of the vehicle. The learned counsel further submitted that there is no previous case pending against this

5.This Court is of the opinion that the petitioners can be directed to jointly deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit to the credit of the President, Tamil Nadu Advocates 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 their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.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 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 No.I, Nagapattinam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 jointly deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of the **President, 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.

-sd/-

15/06/2020

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 NO.I,
NAGAPPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPPATTINAM DISTRICT.[FOR INFORMATION]

3 THE DISTRICT AND
SESSIONS JUDGE,NAGAPPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

5 THE INSPECTOR OF POLICE
THITTACHERRY POLICE STATION,
NAGAPPATTINAM DISTRICT.

6 THE PRESIDENT,TAMIL NADU
ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT,CHENNAI
(INDIAN BANK,HIGH COURT BRANCH,
A/C NO.484026006,
IFSC CODE:IDIB000M157)

CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges

CRL OP.8703/2020

Date :15/06/2020