

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

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

Crl.O.P.No.8709 of 2020

1.Chellappa
2.Umasankar
3.Umesh
4.Lenin @ Lenin Kumar
5.Sanjay

... Petitioners

Vs.

The State Rep. By
The Inspector of Police
Thittacherry Police Station
Nagapattinam District
(Cr. No.508 of 2020)

... Respondent

Prayer:Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners, in the event of their arrest in Crime No.508 of 2020 pending investigation on the file of the respondent police station herein.

For Petitioners : Mr.S.K.Syed Elias

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners/A3 to A7, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379, 430 of IPC and U/s.21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.508 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 of half unit of river sand in 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 the owners of the tractor and that they 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 petitioners were illegally transporting half unit of river sand in the tractor. The learned counsel further submitted that there is no previous cases pending against these 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 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 their 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 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 No.II, Nagapattinam, on condition that the petitioners 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) each 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 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]**.

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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15.06.2020

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Index : yes / no

Internet : yes / no

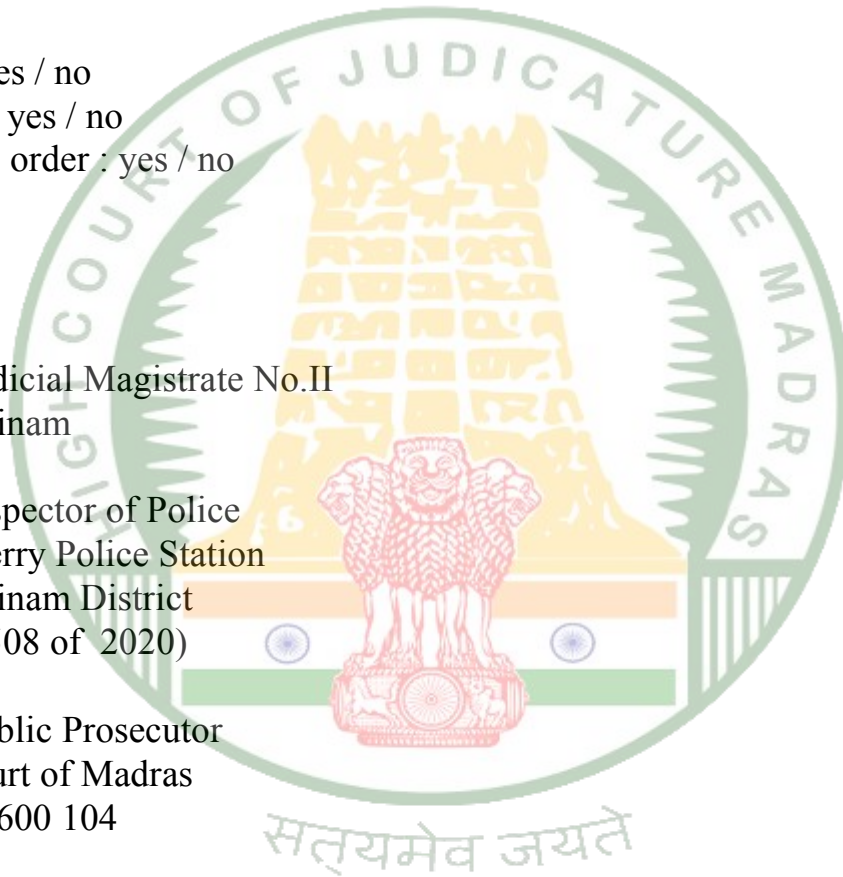
Speaking order : yes / no

To.

1.The Judicial Magistrate No.II
Nagapattinam

2.The Inspector of Police
Thittacherry Police Station
Nagapattinam District
(Cr. No.508 of 2020)

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



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