

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.8738 of 2020

Sathiyamoorthi,
S/o.Veerassamy,
TNHB, Phase – II,
Vinayaga Nagar,
Krishnagiri Taluk & District.

...Petitioner/Accused No.1

Vs.

State Rep. by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.503 of 2020 on the file of the respondent police.

For Petitioner : Mr.E. Kannadasan

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No.503 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported two units of river sand illegally in his tipper lorry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner illegally transported two unit of river sand in his tipper lorry. He further submitted that there are 12

previous cases pending against the petitioner. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even in the pandemic of Covid-19, the arrest of the petitioner would not serve any purpose. Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** 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 note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as non refundable deposit to the

credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of four weeks from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Krishnagiri, on condition that the petitioner shall execute a 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 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.1,00,000/- (Rupees one lakh only) to the credit of **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and shall produce the said receipt before the Court below.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

1. The Judicial Magistrate No.II,
Krishnagiri.
2. The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

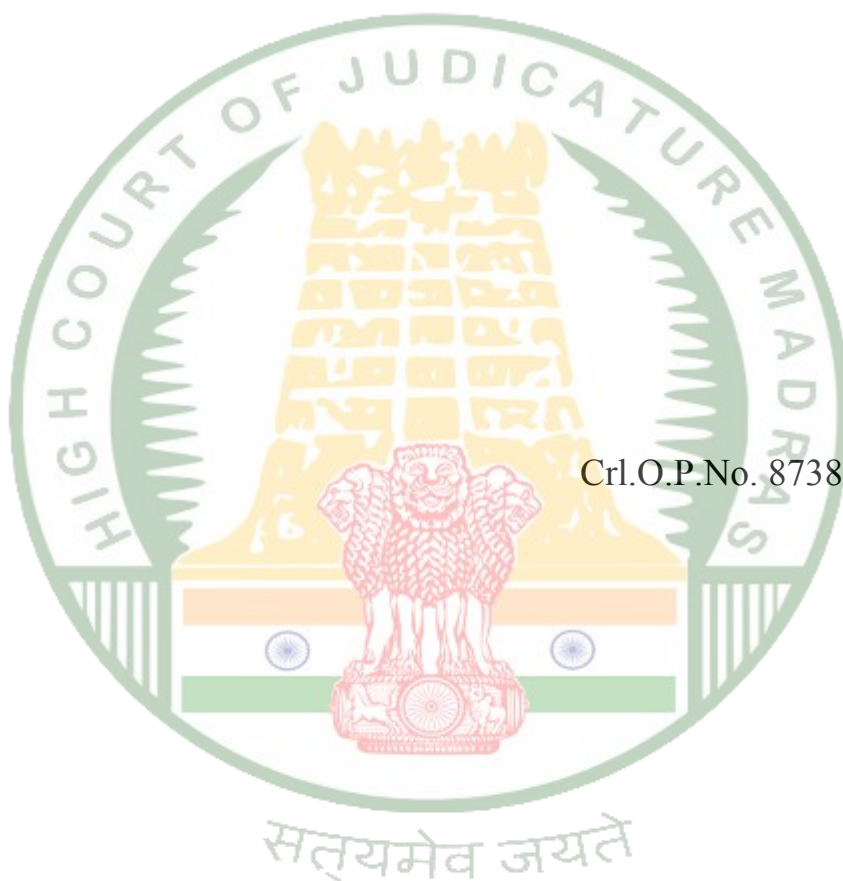


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G.K.ILANTHIRAIYAN, J

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