

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8851 and 6007 of 2020

Vijayakanth,
S/o.Sekar,
Kamaraj Nagar,
Katchipattu Sriperumbudur Taluk,
Kancheepuram District. ... Petitioner in Crl.O.P.No.8851 of 2020

M.Vinoth Kumar @ SimbuVinoth,
S/o.Moorthy,
No.209, Karukku Street,
Katchipattu,
Sriperumbudur 602105. ... Petitioner in Crl.O.P.No.6007 of 2020

Vs.

The State Rep. by,
The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram District.
(Crime No.108 of 2020) ... Respondent in both the petitions

Common Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.108 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian
(in Crl.O.P.No.8851 of 2020)

For Petitioner : Mr.S.Gowshik Sundar
(in Crl.O.P.No.6007 of 2020)

For Respondent : Mr.M.Mohamed Riyaz,
(in both the petitions) Additional Public Prosecutor

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act r/w. 3(1) of Prevention of Damage to Public Property Act, in Crime No. 108 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 2 units of sand illegally. Hence the complaint.

3. The learned counsels appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, they pray 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 2 units. He further submitted that 17 vehicles were used for illegal mining and transportation and 22 accused are involved in this case.

5. This Court is of the opinion that each of 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 Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram 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 their 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 petitioners with certain conditions. Accordingly, each of 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 Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sriperumbudur, on condition that the each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood relative 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 petitions 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] each petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and shall produce the said receipt before the Court below.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/06/2020

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,
SRIPERUMBUDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
C-1, SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM

CC to MR.SWAMISUBRAMANIAN Advocate on payment of necessary charges

CC to MR.S.GOWSHIK SUNDAR Advocate on payment of necessary charges

CRL OP.8851 AND 6007/2020

Date :30/06/2020

RD 03/08/2020