

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8863 of 2020

1.Sekar

2.Kumar

3.Shanmugam

... Petitioners

Vs.

The State Rep. by,
Inspector of Police,
Valapandal Police Station,
Valapandal,
Arcot District.
Crime No.229 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C,, to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.229 of 2020 on the file of the respondent police.

For Petitioners : M/s. S.P.Arthi

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offence under sections 379& 430 IPC in Crime No.229 of 2020, 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 quarter unit of sand by using their bullock carts 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 these petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is quarter unit of sand. The learned counsel further submitted that there is no previous case pending against these petitioners.

5.This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.2,500/- (Rupees two thousand five hundred only) each as non-refundable deposit to the credit of President Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

6.Merely, because the petitioner had 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.

7.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 District Munsif Cum Judicial Magistrate, Arcot, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees ten 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.2,500/- each (Rupees two thousand five hundred only)** as non refundable deposit to 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 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]**.

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

-sd/-

17/06/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALPANDAL POLIOCE STATION,
VALAPANDAL, ARCOT DISTRICT.

5 THE 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 S.P.ARTHI Advocate on payment of necessary charges

CRL OP.8863/2020

Date :17/06/2020

MK:31/07/2020