

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8961 of 2020

1.Annamalai
2.Kumar
3.Athigesavan
4.Thiyagaraj @ Thamu
5.Velu

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Valapanthal Police Station,
Vellore District.
Crime No.313 of 2020.

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent Police in Crime No.313 of 2020 on the file of the respondent Police.

For Petitioners: M/s.S.Raja Ravi Varma

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 and 430 of IPC in Crime No.313 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while conducting a prohibition raid by the respondent police, each of the petitioners have illegally transported 1/4 unit of sand by using separate bullock carts 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 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 total quantity of sand involved is 1-1/4 units of sand.

5.This Court is of the opinion that each of the petitioner can be directed to deposit a sum of Rs.2,500/- (Rupees two thousand Five hundred Only) (totally Rs.12,500/-) as non-refundable deposit to the credit of The President, Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to his 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.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, each of the petitioners are directed to deposit a sum of Rs.2,500/- (Rupees two thousand Five hundred Only) (totally Rs.12,500/-) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)** and on such deposit, 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 is made ready, before the learned District Munsif Cum Judicial Magistrate, Arcot, Vellore District, on condition that the petitioners shall execute separate bonds 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] each of the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) (totally Rs.25,000/-) as non refundable deposit to the credit of 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 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/-
18/06/2020

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, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAPANTHAL POLICE STATION,
VELLORE 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.RAJA RAVI VARMA Advocate on payment of necessary charges

CRL OP.8961/2020

Date :18/06/2020

TA-26/08/2020