

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.8970 of 2020

Kumar

... Petitioner

Vs.

The State rep by

The Station House Officer,
Arni Taluk Police Station,
Tiruvannamalai District.

.... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioner on bail in the event of arrest in Crime
No.227 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Arunkumar

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

* * * * *

O R D E R

The Petitioner who is apprehending to arrest by the respondent
police for the offences punishable under Sections 379, 430 of IPC
and section 21(5) of Mines and Minerals Act 1957 in Crime No.227 of
2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged
to have transported one unit of river sand illegally. Hence the
complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he is the driver of the
Tractor only. Hence, he prays to grant anticipatory bail to the
petitioner.

4. The learned Additional Public Prosecutor appearing for the
respondent submitted that the quantity of sand involved in this case
is one unit. He further submitted that there are three previous cases
pending as against the petitioner. Hence, he vehemently opposed to
grant anticipatory bail to the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram 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.25,000/- (Rupees Twenty Five Thousand 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Arni, Tiruvannamalai District, on condition that the petitioner shall execute a 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 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.25,000/- (Rupees Twenty Five thousand 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 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.

7. Accordingly, this Criminal Original Petition is ordered.

-sd/-
29/06/2020

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,
ARNI, TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
ARNI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT

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

CC to M/S.T.ARUN KUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.8970/2020

Date :29/06/2020

cs 07/08/2020

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