

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.9082 of 2020

1. Kuppusamy, M/A 37 years (A-1)
S/o.Perumal

2.Ponnusamy M/A 45 years (A-2)
S/o.Thalakondan
Both are residing at
Chinnakarakuppam Village,
Emakkalnatham Post
Bargur Taluk, Krishnagiri District .. Petitioners

Vs.

State by
The Inspector of Police,
Bagur Police Station,
Krishnagiri
Krishnagiri District
Crime No.92 of 2020) ..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C
praying to grant Anticipatory Bail to this petitioners in the event
of his arrest in Crime No.92 of 2020 pending investigation on the
file of the respondent police.

For Petitioners : Mr.M.Jayachandran

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

WEB COPY
O R D E R

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC in
Crime No.92 of 2020 on the file of the respondent police, seek
anticipatory bail.

2. The case of the prosecution is that the petitioners were
involved in illegally transporting one unit of river sand in a
Tractor without any permit or valid license and it was seized by
the respondent police.

3. The learned Counsel for appearing for the petitioners would submit that the 1st petitioner is the driver and 2nd petitioner is the owner of the Tractor. He further submitted that the petitioners did not commit any offence as alleged by the prosecution and this case has been foisted against the petitioners only for statistical purpose. Hence, he prays for grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are no previous cases pending against the petitioners.

5. This Court is of the opinion that the petitioners can be directed to deposit jointly a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit to the credit of 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. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are directed to deposit jointly a sum of Rs.10,000/- (Rupees Ten Thousand only), as non-refundable deposit to the credit of President Tamil Nadu Advocate Clerk Association, High Court, Madras (A/c.No.484026006 IFSC Code No.IDIBO00M157) 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 made ready, before the learned Judicial Magistrate No.I, Krishnagiri, 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.10,000/- (Rupees Ten thousand only) to the credit of the President, Tamil Nadu Advocate Clerk Association, High Court, Madras.

[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 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/-

19/06/2020

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,
NO.I, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BAGUR POLICE STATION,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

4 THE PRESIDENT
TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS
(A/c.No.484026006 IFSC Code No.IDIBO00M157)

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.9082/2020

Date :19/06/2020

RD 04/08/2020