

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9125 of 2020

1. Vijayakumar,
S/o. Venkatesappa,
Jigila Village,
Athipalli Post, Anaikal,
Bangalore, State of Karnataka.

2. Sathish
S/o. Venkatesappa,
Door No.484, Usthalapalli,
Kamandoddi, Krishnagiri.

3. Dhanumjaya,
S/o. Krishnappa,
Door No.482/1, Usthalapalli,
Kamandoddi, Krishnagiri.

... Petitioners

Vs.

State Rep. by
The Sub-Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.107 of 2020 on the file of the respondent police.

For Petitioners : Mr. E. Kannadasan

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

ORDER

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and Section 21(1)(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 107 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 five units of M-sand in his tipper lorrie cart illegally. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are the owner of the vehicle. 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 five units of sand. He further submitted that there is no previous case pending against the petitioners.

5. This Court is of the opinion that the petitioners are directed to jointly deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) as non refundable deposit to the credit of the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram**, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioners have 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 petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) jointly as non refundable deposit to the credit of the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram**, 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 his appearance before the learned Judicial Magistrate No.1, Hosur 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.15,000/- (Rupees Fifteen thousand only) jointly to the credit of the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram**, 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 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.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order mp/lok

G.K.ILANTHIRAIYAN, J
mp

To

1. The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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