

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

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

Crl.O.P.No.9344 of 2020

1. Deepak @ Deepak Chandran  
S/o.Krishnamoorthi  
47/15 A, Thiyagi Swaminathar Street,  
Sirkali, Nagapattinam District.
  2. Iyappan, S/o.Erusappan,  
1/210, Ayyanar Koil Street,  
Periyababusamuthiram,  
Villupurak Taluk, Villupuram District.
  3. Ilayaraj @ Ilayaraja, S/o.Subramanian,  
119, School Street,  
Perambattu, Cuddalore District.
  4. Barathan, S/o.Ranganathan,  
3/115, Puthu Street,  
Vallampadugai,  
Chidambaram,  
Cuddalore.
- ... Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
Anaikaranchatram Police Station,  
Nagapattinam District.  
Cr. No.438 of 2020

... 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.438 of 2020 on the file of the respondent police.

For Petitioners : Mr. N.Chinnaraj

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

**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 465, 468, 420 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.438 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners/A6 to A9 were alleged to have transported 10 units (2 1/2 units each) of river sand illegally in four tipper lorries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons 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 totally there are nine accused in this case. The petitioners are arrayed as A6 to A9. The petitioners have transported 2 1/2 units each river sand illegally in four lorries with fabricated trip sheets. 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 deposit a sum of Rs.20,000/- (Rupees twenty thousand only) each as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** without prejudice to their rights and contentions before the trial Court. 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.

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.20,000/- (Rupees twenty thousand only) each as non-refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, 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 their appearance before the learned Judicial Magistrate, Sirkali, on condition that the petitioners each shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which, one should be their **blood related surety**, 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.20,000/- (Rupees twenty thousand only) each to the credit of the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and shall produce the said receipt before the Court below.

[c] the petitioners shall report before the respondent police daily morning and evening at 10.30 a.m. and 5.30 p.m. for a period of four 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.

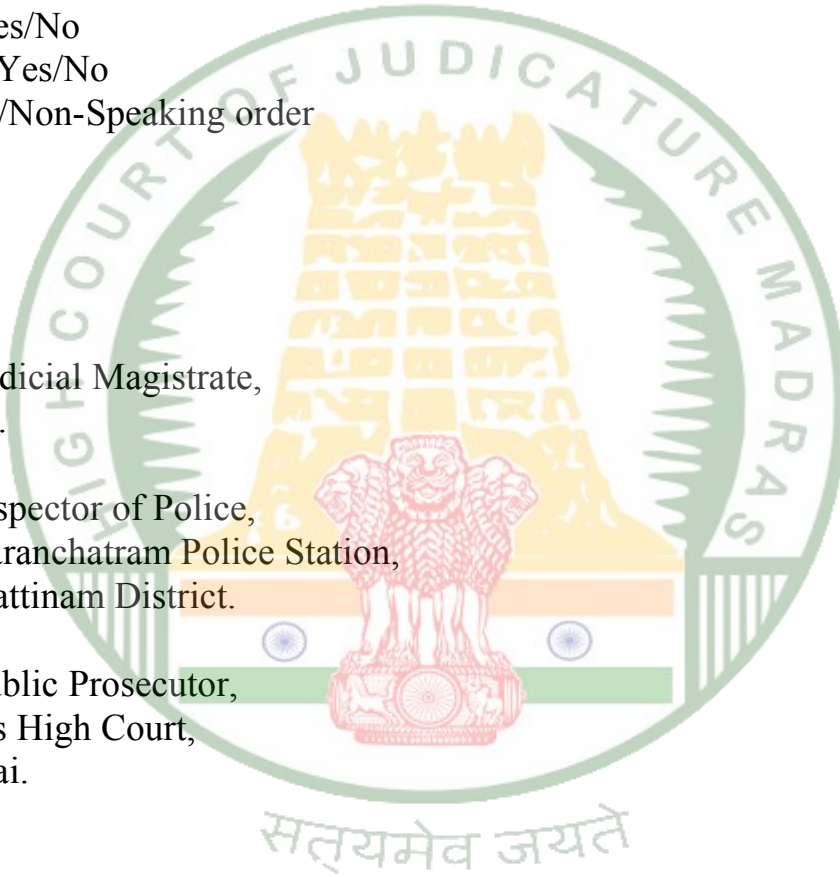
25.06.2020

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order

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To

1. The Judicial Magistrate,  
Sirkali.
2. The Inspector of Police,  
Anaikaranchatram Police Station,  
Nagapattinam District.
3. The Public Prosecutor,  
Madras High Court,  
Chennai.

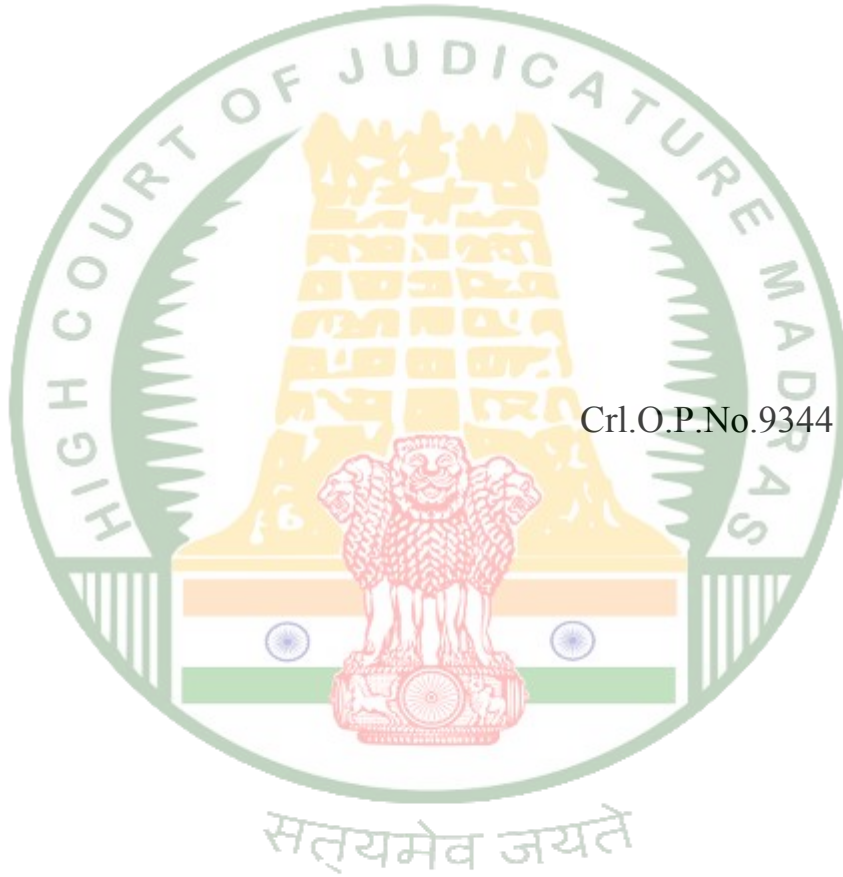


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**G.K.ILANTHIRAIYAN, J**

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