

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

Crl.O.P.No.9373 of 2020

1. Raji @ Rajesh

S/o.Krishnamoorthy.

No.450, Mariyamman Koil street,

Thatchur Village, Arani Taluk,

Thiruvannamalai District.

2. Panneer @ Panneerselvam

S/o.Krishnamoorthy

No.450, Mariyamman Koil street,

Thatchur Village, Arani Taluk,

Thiruvannamalai District.

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Chetpet Police Station,

Thiruvannamalai District.

Cr. No.759 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioners in the event of their arrest in connection with Crime No.759 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.Bhagiradhan

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, 430 IPC, r/w 21(5) of Mines & Minerals (Development & Regulation) Act and 3 of TN Public Property (Prevention Damage & Loss) Act in Crime No.759 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 1 unit of river sand illegally. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been 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 petitioners transported 1 unit of river sand illegally in a Bolero Pick up bearing Reg.No.TN-25-R-0840. 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.15,000/- jointly (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai 600 020 without prejudice to their 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 petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- jointly (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai 600 020 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, Polur on condition that the each of 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 Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai 600 020 and shall produce the said receipt before the Court below.

[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.

26.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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सत्यमेव जयते

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G.K.ILANTHIRAIYAN, J

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To

1. The learned Judicial Magistrate,
Polur.
2. The District Sessions Court,
Thiruvannamalai.
3. The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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