

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

Crl.O.P.No.9376 of 2020

Vijay
S/o Babu,
Pillayar Koil Street,
Mankuppam Village,
Walajah Taluk,
Ranipet District.

... Petitioner

Vs.

State by
The Inspector of Police,
Rathinagiri Police Station,
Rathinagiri, Ranipet District
Crime No.278 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.278 of 2020 on the file of the respondent police.

For Petitioner : Ms.S.P.Arthi

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 I.P.C., in Crime No.278 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there the petitioner was found in transporting 100 kg of sand illegally in his two wheeler. Hence, the present case is registered.

3. The learned counsel for the petitioner would submit that the petitioners is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 100 kg sand in his two wheeler, illegally. He further submitted that there is one previous case pending 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.5,000/- (Rupees Five thousand only) as non refundable deposit to the credit of the **Chief Justice Relief Fund, Madars High Court, Chennai**, 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.

7. 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.5,000/- (Rupees Five thousand only) as non refundable deposit to the credit of the **Chief Justice Relief Fund, Madars High Court, Chennai** , 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, Arcot, Ranipet 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.5,000/- (Rupees five thousand only) to the credit of the **Chief Justice Relief Fund, Madars High Court, Chennai** 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.

26.06.2020

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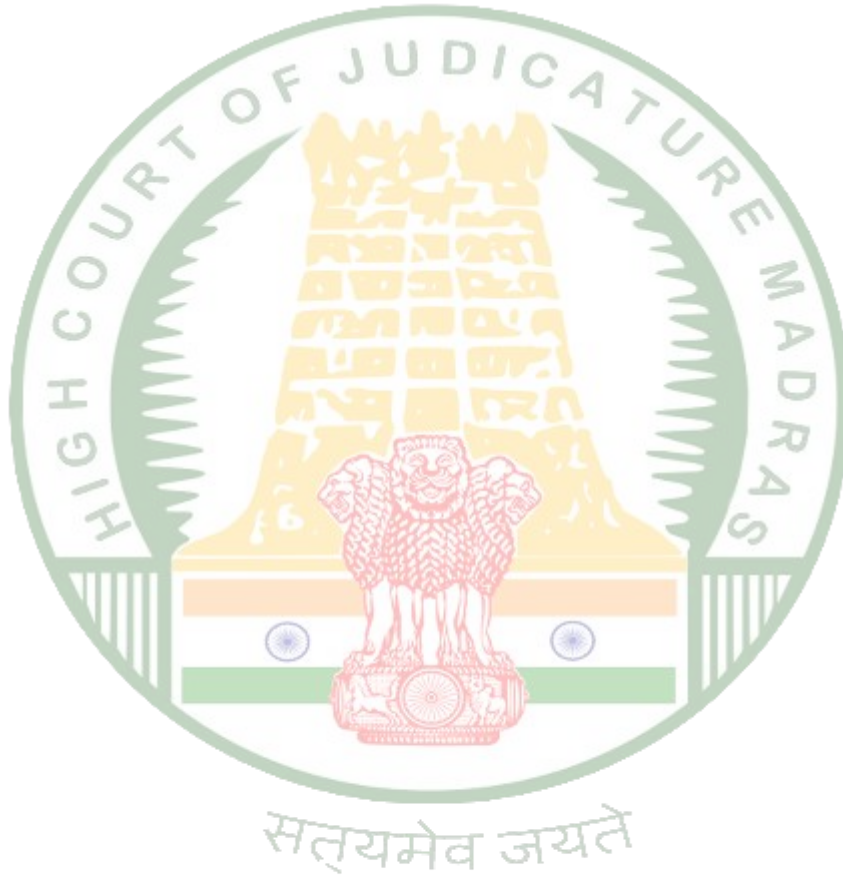
To

1.The Judicial Magistrate,
Arcot, Ranipet District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The Inspector of Police,
Rathinagiri Police Station,
Rathinagiri, Ranipet District

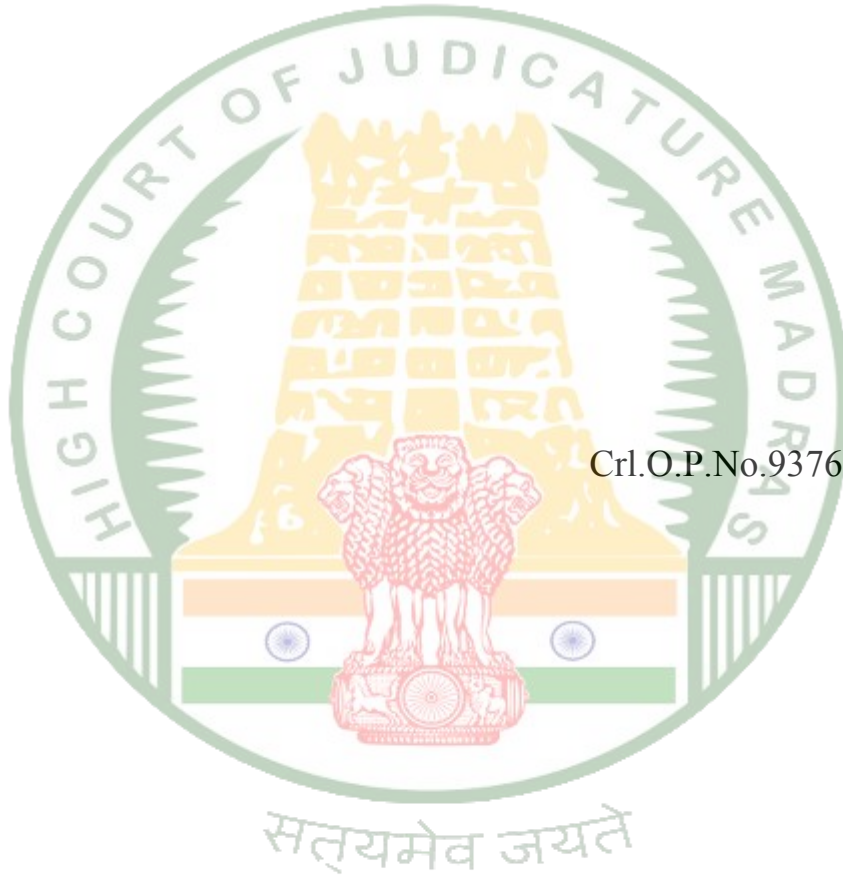
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G.K.ILANTHIRAIYAN, J

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