

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

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

CrI.O.P.No.9407 of 2020

Elumalai

S/o.Govindasamy

Nagarpadi Village,

Chengam Taluk

Tiruvannamalai District.

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Pachal Police Station,

Tiruvannamalai District.

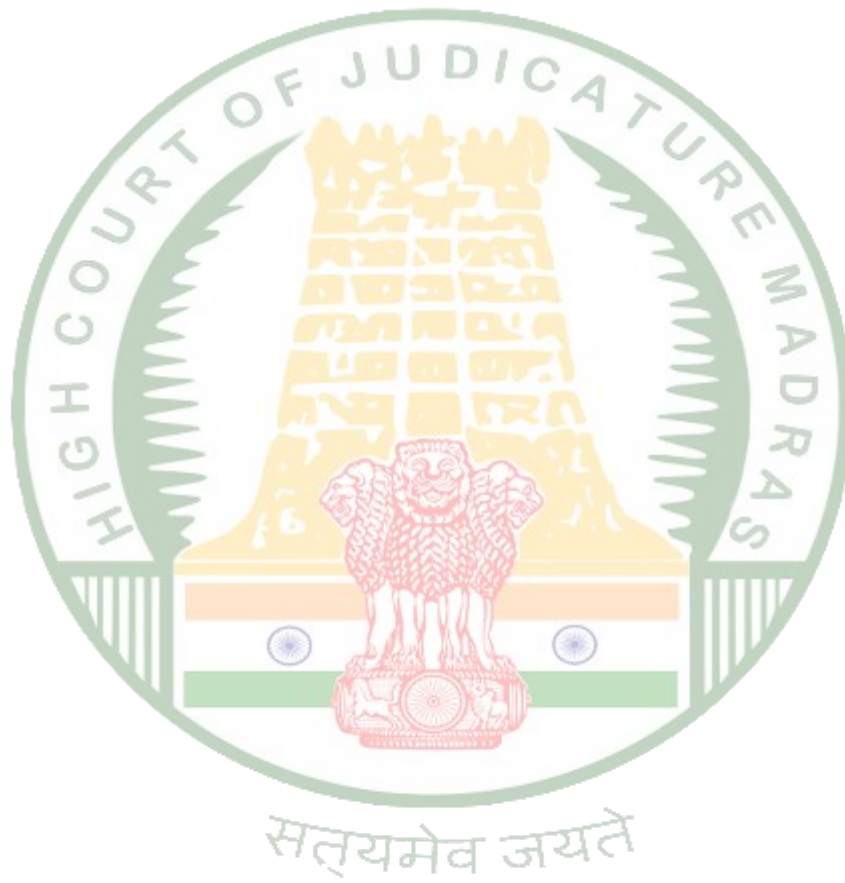
Cr. No.370 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.370 of 2020 on the file of the respondent police.

For Petitioner : M/s.N.Chinnaraj

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC r/w 21(1) of Mines & Minerals (Development & Regulation) Act 1957 and 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.370 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported 1 unit of sand illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner transported 1 unit of sand illegally in a Tractor. He further submitted that there is no previous case pending against the petitioner.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.15,000/- (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 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.

6. 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.15,000/- (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 petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Chengam 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.15,000/- (Rupees Fifteen thousand only) 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 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 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 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.

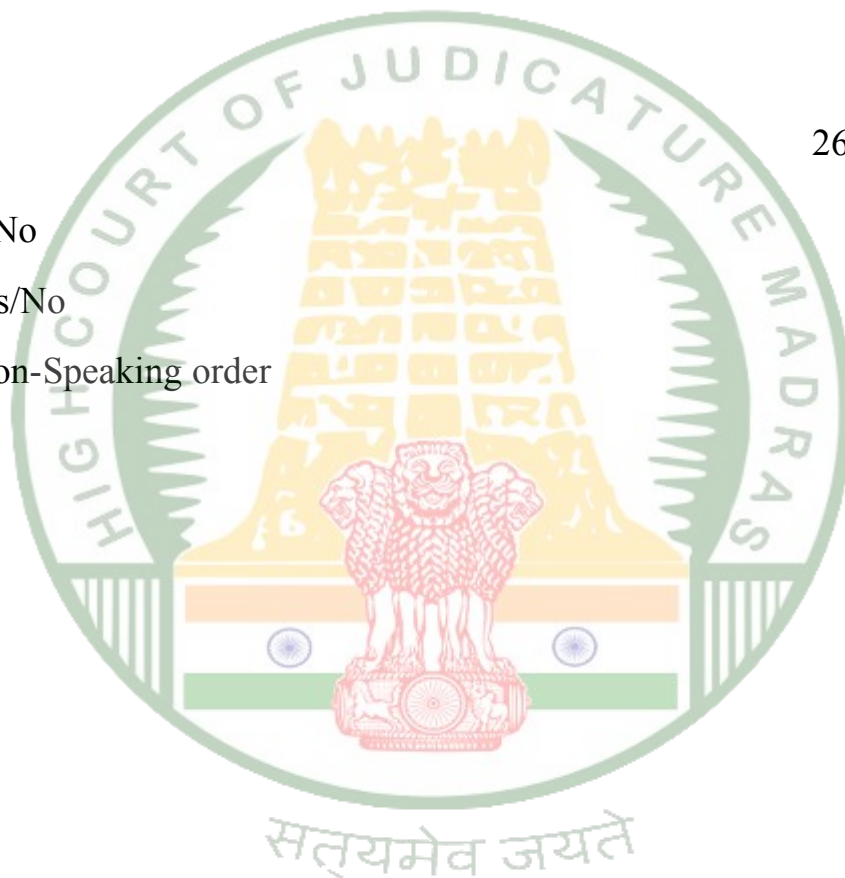
26.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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G.K.ILANTHIRAIYAN, J

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To

1. The learned Judicial Magistrate,
Chengam.
2. The Inspector of Police,
Pachal Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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