

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO. 9518 of 2020

1. N. Sathish
2. R. Kuppureddiyar @ R.Kuppusamy ... Petitioners

Vs.

The State rep by
The Inspector of Police,
Kurusilapattu Police Station,
Vaniyambadi Taluk,
Tirupattur District. Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of arrest in Crime
No.136 of 2020 on the file of the respondent police.

For Petitioners : Mr.D. Jagadeesan

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

O R D E R

The Petitioners who are apprehending to arrest by the respondent
police for the offences punishable under Sections 379, 430 of IPC and
21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime No.136 of 2020, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are
alleged to have transported half a unit of river sand illegally.
Hence the complaint.

3. The learned counsel appearing for the petitioners would
submit that the petitioners are innocent persons, the second
petitioner is the owner of the vehicle and the first petitioner is
the driver. He further submitted that the respondent police falsely
implicated the petitioners 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 quantity of sand involved is half unit
of sand. He further submitted that there is no previous case pending
as against the petitioners. However, he opposed to grant anticipatory
bail to the petitioners.

5. This Court is of the opinion that the petitioners are
directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only)

jointly, as non-refundable deposit to the credit of the Chief Justice Relief Fund, Madras High Court, 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.10,000/- (Rupees Ten thousand only) jointly as non refundable deposit to the credit of the Chief Justice Relief Fund, Madras High Court, 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 No.II, Tirupattur, on condition that 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.10,000/- (Rupees ten thousand only) jointly to the credit of the Chief Justice Relief Fund, Madras High Court, Chennai, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. Accordingly, this Criminal Original Petition is ordered.

-sd/-

29/06/2020

This order, on being produced, be punctually observed and carried
into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KURUSILAPATTU POLICE STATION,
VANIYAMBADI TLAUK,
TIRUPATTUR DISTRICT

4 THE SECTION OFFICER,
ACCOUNT SECTION,
CHIEF JUSTICE RELIEF FUND,
MADRAS HIGH COURT,
CHENNAI.

CC to M/S.D.JAGADEESAN Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.9518/2020

Date :29/06/2020

RVR 21/07/2020

WEB COPY