

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.9529 of 2020

1. Annamalai
2. Annadurai

... Petitioners

Vs.

The State rep by
The Station House Officer,
Ramanatham Police Station,
Cuddalore 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.354 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Kannan

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 430, 379 of IPC r/w section 21(i) of Mines and Minerals Act, in Crime No.354 of 2020, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported half 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 falsely implicated in this case by the defacto complainant. 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. He further submitted that there is no previous case pending 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, 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 District cum Judicial Magistrate, Tittakudi, Cuddalore District, 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 DISTRICT CUM
JUDICIAL MAGISTRATE, TITTAKUDI,
CUDDALORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
RAMANATHAM POLICE STATION,
CUDDALORE DISTRICT

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

CC to M/S.K.KANNAN Advocate on payment of necessary charges

CRL OP.9529/2020

Date :29/06/2020

RVR 20/07/2020