

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9605 of 2020

G. Srinivasan

... Petitioner

/vs/

State rep. By,
The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
(Crime No.295 of 2019)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with in Crime No. 295 of 2019 on the file of the respondent police.

For Petitioner : Mr.R.S.Manikandan

For respondent : Mr. Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

Though the earlier petition filed by the petitioner was dismissed by some other Judge of this Court, due to pandemic Corona, this Court is inclined to take the petition for hearing.

2. The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No. 295 of 2019, seeks anticipatory bail.

3. The case of the prosecution is that on 22.07.2019, the petitioner had transported 1 ½ unit of the river sand illegally from the Paalaru river in a tractor. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offences as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the

5. The learned Additional Public Prosecutor would submit that the offending tractor has been seized by the respondent police. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the above fact and circumstances of the case and also considering the fact that the offending vehicle has been seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and also directed to deposit a sum of Rs.5000/-(Rupees Five Thousand only) as non refundable deposit to the credit of Chief Justice Relief Fund, 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.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and also directed to deposit a sum of Rs.5000/-(Rupees Five Thousand only) as non refundable deposit to the credit of 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Chief Judicial Magistrate, Vellore 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 report before the respondent police daily at 10.30 a.m., from 06.07.2020 for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-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 CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K.V.KUPPAM POLICE STATION,
VELLORE DISTRICT.

4 THE ARIGNAR ANNA MEMORIAL CANCER HOSPITAL
& RESEARCH INSTITUTE, KANCHEEPURAM.

CC to M/S.B.S.MANIKANDAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9605/2020

Date :29/06/2020

cs 07/08/2020