

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9784 of 2020

1.Kirubhakaran M/26 yrs

S/o.Anbazhagan,

No.3/173, Bharathiyar Street, Thevur, Kilvelur Taluk,
Nagapattinam District.

2.Rajendran M/40 yrs,

S/o.Nagappan,

No.1/16A, Erumbukanni, Radhamangalam Post,
Kilvelur Taluk, Nagapattinam District. ...Petitioners

Vs.

The State Represented by

The Inspector of Police

Kilvelur Police Station

Nagapattinam District.

(Crime.No. 997 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioners on anticipatory bail, in the event of their arrest in connection with Crime No.997 of 2020 on the file of the respondent police.

For Petitioners : Mr.U.Kathiravan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 IPC r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.997 of 2020, on the file of the respondent police, seek anticipatory bail.

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

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are falsely implicated 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 one unit. He further submitted that there is two previous cases pending against the petitioners. Hence he vehemently 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.15,000/- (Rupees Fifteen Thousand only) jointly as non refundable deposit to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram, 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 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 petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly as non refundable deposit to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram, 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-II, Nagapattinam, 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.15,000/- (Rupees Fifteen Thousand only) jointly to the credit of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kanchipuram, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/07/2020

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, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KILVELUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHIPURAM

CC to M/S. U.KATHIRAVAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9784/2020

Date :01/07/2020

RD 17/08/2020