

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9786 of 2020

1. Vijayakumar
S/o.Rajendran,
No.1/12B Main Road Sendiruppu,
Villiyannallur, Kuttalam,
Nagapattinam District.
2. Sundaramoorthy
S/o.Krishnan
1/64, Main Road, Sendiruppu,
Villiyannallur, Kuttalam,
Nagapattinam District.
3. Baskar
S/o.Rajendran,
No.1/12B Main Road Sendiruppu,
Villiyannallur, Kuttalam,
Nagapattinam District.Petitioners

Vs.

State Rep. by
The Inspector of Police,
Kuttalam Police Station,
Nagapattinam District.
(Cr. No.176 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.176 of 2020 on the file of the respondent police.

For Petitioners : Mr.U.Kathiravan

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

O R D E R

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 and Regulation) Act, 1957, in Crime No.176 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 indulged in illegal quarrying of sand with JCB. Hence

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and false case has been foisted against the petitioners and they are ready to abide any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners involved in illegal quarrying of sand. He further submitted that there is no previous case pending against these petitioners. Hence, 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.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) (R.Ayyppan - 9444386043, A.Dhamodharan - President - 944345757) the 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.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) (R.Ayyppan - 9444386043, A.Dhamodharan - President - 944345757) 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-I, Mayiladuthurai, on condition that each of the petitioner 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.5,000/- (Rupees Five Thousand only) to the credit of the Madras High Court Advocates Clerks Welfare Association A/c.No.484077244 (IFSC Code:IDIB000M157) (R.Ayyppan - 9444386043, A.Dhamodharan - President - 944345757) 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.I, MAYILADUTHURAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KUTTALAM POLICE STATIN,
NAGAPATTINAM DISTRICT

4 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATION
A/c.No.484077244 (IFSC Code:IDIB000M157)
(R.Ayyppan - 9444386043, A.Dhamodharan - President - 944345757)

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

CRL OP.9786/2020

Date :01/07/2020

RD 17/08/2020