

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 9886 of 2020

P.Balachandar,
S/o.Pappayan,
No.41, Road Theru, Vandalur,
Sembiamahadevi,
Nagapattinam District.

... Petitioner

Vs.

The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
Cr. No.351 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.351 of 2020 on the file of the respondent police.

For Petitioner : Mr. N.Sakthivel

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

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379 of Indian Penal Code, 1860 and Section 21(1) of Mines and
Minerals (Development and Regulation) Act, 1957, in Crime No.351 of
2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is
alleged to have transported 1/4 unit of Savudu-Sand illegally by
using Tractor. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person. Hence, he prays to grant
anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the
respondent submitted that the quantity of sand involved is 1/4 unit
of Savudu-Sand. He further submitted that there is no previous case
pending against the petitioner.

5. This Court is of the opinion that the petitioner is directed
to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non
refundable deposit to the credit of the Madras High Court Advocates

Clerks Welfare Associations (Indian Bank, A/c No.484077244, IFSC Code:IDIB000M157), 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.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Associations (Indian Bank, A/c No.484077244, IFSC Code:IDIB000M157), 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 Judicial Magistrate - I, Nagapattinani, Nagapattinan 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of the Madras High Court Advocates Clerks Welfare Associations (Indian Bank, A/c No.484077244, IFSC Code:IDIB000M157), and shall produce the said receipt before the Court below.

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

[e] the petitioner 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 petitioner 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].

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

-sd/-
02/07/2020

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,
NAGAPATTINANI. NAGAPATTINAM DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATIONS
(Indian Bank, A/c No.484077244,
IFSC Code:IDIB000M157)

CC to M/S.N.SAKTHIVEL Advocate on payment of necessary charges

WEB COPY
CRL OP.9886/2020
Date :02/07/2020

RD 18/08/2020