

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10482 of 2020

M.Rusendiran

... Petitioner/sole accused

Vs.

The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No. 633 of 2019) ... Respondent/complainant

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.633 of 2019 pending Investigation on the file of the
respondent police.

For Petitioner : Mr.M.Jayachandran

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Section 379
of IPC (Sand Theft) in Crime No.633 of 2019, on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was
transporting 1 unit of sand theft without any valid license and
government permission and runaway in the scene of occurrence. Hence,
the complaint.

3. The learned counsel appearing for the petitioner would
submit that the petitioner is hailing from a noble family and is
innocent of the offence alleged. On instruction, he would further
submit that the petitioner is prepared to deposit some considerable
amount to any charitable organization or association without prejudice
to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for
the respondent submitted that the petitioner indulged in illicit
quarrying of 1 unit sand through tractor. Hence, he vehemently
opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172 without prejudice to their rights and contentions before the trial Court.

6. 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 :-

(a) The petitioner is directed to deposit a sum of Rs.10,000/- each as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172 within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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 the 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.

[e] 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.R.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.

8. With the above directions, this Criminal Original Petition is ordered.

9. For reporting compliance, post on 03.08.2020.

-sd/-
13/07/2020

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, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE CHIEF MINISTER'S PUBLIC RELIEF FUND',
INDIAN OVERSEAS BANK,
SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

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

WEB COPY

CRL OP.10482/2020

Date :13/07/2020

cs 20/07/2020