



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10538 of 2020

A.G.Raji

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Sholinghur Police Station,
Vellore District.

Crime No.537 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on Anticipatory Bail in the event of his arrest in connection with Crime No.537 of 2020 pending investigation on the file of the respondent.

For Petitioner : M/s.P.Krishnan

V.Balaji

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 an offence punishable under Sections 379 & 430 IPC on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during the inspection, the respondent found that A1, driver of the JCB, A2, driver of the Lorry and the petitioner through JCB, loaded the half unit of lake sand into the lorry and when the respondent went to the scene of occurrence, they ran away from the scene of occurrence. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is neither the owner of the JCB nor Lorry and has been falsely implicated as he is innocent and no way connected with the said offence alleged. On instruction, he would further submit that the petitioner is ready and willing to abide by any condition that may be imposed on him by this Court and he is ready to furnish sufficient solvent sureties for his release on Anticipatory Bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was indulged in illicit quarrying of 1/2 unit sand through JCB into lorry. 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.

[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.

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

9. For reporting compliance, post on 05.08.2020.

-sd/-
14/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
SHOLINGHUR POLICE STATION,
VELLORE DISTRICT.

3 THE CHIEF MINISTERS PUBLIC
RELIEF FUND, INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH,
CHENNAI SB.A/C.NO.117201000000070,
IFSC CODE.NO.IOBA0001172

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

CRL OP.10538/2020

Date :14/07/2020

MK:30/07/2020