

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12210 of 2020

1. Prakash
2. Dhanabal
3. Sudhakaran
4. Varatharajan
5. Nagarajan
6. Baskar
7. Dillibabu

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
D-5, Salavakkam Police Station,
Kancheepuram District.
(Crime No.368/2020)

... 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.368 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Vinoth

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, 430, 353 & 506(i) of IPC and 3(1) of TNPPDL Act r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.368 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 sand by Tractor and JCB illegally. Hence the complaint.

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.He would

further submit that they are ready to abide any conditions that may be imposed by this Court. He further submitted that the petitioners were granted Anticipatory Bail in Crl.O.P.No.9815 of 2020 dated 01.07.2020 with the direction to surrender within two weeks. However, one of the petitioner was sick and thereby, they were unable to surrender before the concerned Court within time. 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 are no previous cases pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. This Court is of the opinion that the petitioners are directed to jointly deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) 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 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 jointly pay a sum of Rs.15,000/- (Rupees Fifteen thousand only) as donation to the credit of the 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, 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 jointly deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) 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 also deposit a sum of Rs.1000/- to the credit of the District Legal Services Authority of Kancheepuram.

[d] 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.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] 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.

-sd/-
13/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHIRAMERUR

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D5 SALAVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT

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

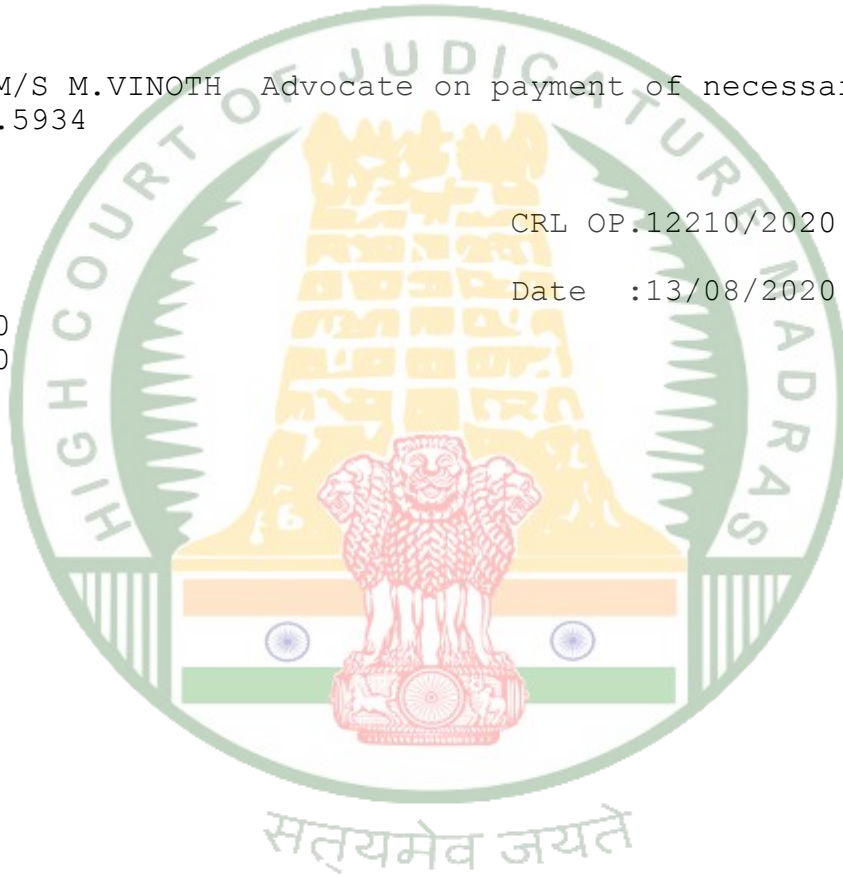
6 THE DISTRICT LEGAL SERVICES AUTHORITY,
KANCHEEPURAM.

+1 CC to M/S M.VINOTH Advocate on payment of necessary
charges SR.NO.5934

CRL OP.12210/2020

Date :13/08/2020

GKS:15/09/2020
GKS:23/09/2020



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