

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.964 of 2021

1.Kulanthaivel
2.Aravindraaj

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
(Crime No.2146 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No. 2146 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.G.Babu Ganesh

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Apprehending arrest at the hands of the respondent police in connection with the case in Crime No. 1107 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 430 and 379 of IPC, the petitioners are before this court seeking anticipatory bail.

2. The case of the prosecution is that on 09.12.2020, while the respondent police was on regular raid, a lorry bearing Regn. No. TN 31 AX 7878 was found transporting three units of sand illegally without having valid license. The lorry was driven by one Sekar. The petitioners herein are the owner of the lorry and broker respectively. Hence, the criminal case has been registered against the petitioners. The police had seized the vehicle along with the sand.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent person and they are no

way connected with the offence. He further submitted that they have been falsely implicated as accused in this case. However, on instructions, he submitted that without prejudice to their rights and contentions, they are prepared to deposit/pay a considerable amount to any charitable organization or association and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have transported sand in lorry belonging to the 1st petitioner illegally without having valid license and hence, the respondent police had seized the vehicle. He further submitted that there is no previous case pending against the petitioners. However, he opposed the granting of anticipatory bail to the petitioners.

5. In order to curb the illegal transportation of sand and taking into consideration of the voluntary submission made by the petitioners offering to deposit or to pay a considerable amount to any charitable organization or association, this Court is of the opinion that the petitioners may be directed to jointly deposit/pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of A/c No.1049 7528 950 maintained by Satya Jothi Little Flower Extension Work Department, 4, GN Road, Chennai 600 006 with State Bank of India, Nungambakkam Branch [IFSC SBIN 0001176] without prejudice to their rights and contentions before the trial Court.

6. 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.

7. Taking note of the facts and circumstances and also considering the fact that there is no previous antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

(a) The petitioners are directed to jointly pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) either in cash or through RTGS/NEFT to the credit of A/c No.1049 7528 950 belonging to Satya Jothi Little Flower Extension Work Department, 4, GN Road, Chennai 600 006 maintained with State Bank of India, Nungambakkam Branch [IFSC SBIN 0001176], within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, the petitioners are ordered to be released on bail in the event of their arrest or their appearance before the learned District Munsif cum Judicial Magistrate, Valangaiman, on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, and on further condition that: -

[b] the petitioners 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 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 the 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 were imposed and the petitioners have been released on bail by the learned Magistrate himself/Trial Court 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

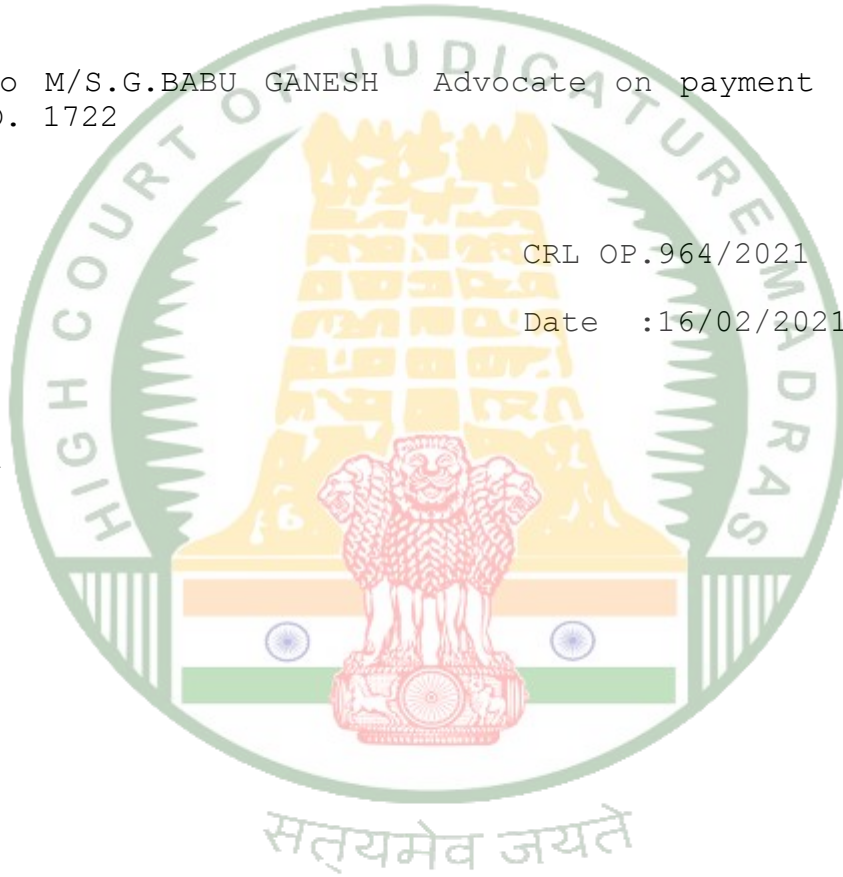
5 SATHYA JOTHI,
LITTLE FLOWER EXTENSION WORK DEPARTMENT,
4,G.N.ROAD, CHENNAI 600 006,
STATE BANK OF INDIA,
A/C NO.10497528950, IFSC CODE SBIN0001176

+1 CC to M/S.G.BABU GANESH Advocate on payment of necessary
charges SR NO. 1722

CRL OP.964/2021

Date :16/02/2021

MN-24/02/2021



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