

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.633 of 2021

Pasubathi

.. Petitioner/A1

Vs.

State represented by
Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.1059 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1059 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.B.Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioner is A1. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC in Crime No.1059 of 2020 on the file of the respondent police, the petitioner seek anticipatory bail.

2. The case of the prosecution is that on 08.10.2020 at about 09.30 hrs, when the respondent police and his subordinates were in patrol duty a Tata 608 Tipper Lorry bearing registration No.TN-51-Y-1779 came in the opposite direction, on seeking the police, the driver of the vehicle stopped the vehicle and escaped from the place of occurrence and on searching the vehicle they found 1 unit of sand and on enquiry they came to know that the petitioner is the driver cum owner of the said lorry. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was trying to transport sand without any valid bills and permit.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.25,000/- without prejudice to his defence.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Pochampalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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.

(c) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty five Thousand only) to the credit of Tamil Nadu Advocate Clerks Association, Indian Bank, High Court Branch, (A/c.No.484026006, IFSC No.IDIB000M157), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court ;

(d) The petitioner shall appear 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner 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 petitioner 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

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

20/01/2021

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,
POCHAMPALLI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 TAMIL NADU ADVOCATE CLERKS ASSOCIATION,
INDIAN BANK, HIGH COURT BRANCH,
(A/C.NO.484026006, IFSC NO.IDIB 000 M 157)

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

CRL OP.633/2021

Date :20/01/2021

MN-27/01/2021