

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.651 of 2021

1. Gangadaran
2. Lakshmi Devi

.. Petitioners/A1 & A2

Vs.

State represented by
Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
(Crime No.526 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.526 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.E.Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioners are A1 and A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC in Crime No.526 of 2020 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that on 16.09.2020 at about 02.00 p.m. when the defacto complainant and his subordinates were on routine vehicle checkup at Achamangalam road, Burgur Taluk at that time one lorry bearing registration No.TN-33-R-7272 was intercepted and the defacto complainant conducted search and found 1 No. of granite stone. While conducting enquiry suddenly the driver escaped from the place of occurrence. On enquiry they came to know that the petitioners are the driver and owner of the lorry. Hence, the respondent police registered a case against the petitioners.

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

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 has transported the granite stone in the vehicle belonging to A2 without any valid bill.

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

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

(a) Accordingly, the petitioners are 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 Principal District Sessions Judge, Krishnagiri, on condition that the petitioners 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) Each 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 petitioners 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 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

(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 PRINCIPAL DISTRICT SESSIONS JUDGE,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI.

4 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157.

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

WEB COPY CRL OP.651/2021
Date :20/01/2021

MN-29/01/2021