



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

WEB COPY

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1568 of 2021

1. Padala Naga Durga Rao @ Naga Durga Rao
2. Bandi Pothiraju @ Paity Raju ... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Sipcot Police Station,
Vellore Dt.
(Crime No.648 of 2020) ... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No. 648 of 2020 pending on the file of the respondent.

For Petitioners : Mr.D.Bennington

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

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed as A3 and A4. They have been implicated for the offence punishable under Sections 284, 430 of I.P.C. r/w Sections 41, 47 of The Water (Prevention and Control of Pollution) Act, 1974 and Section 15(1). 15(2) of Environment Protection Act, 1986 in Crime No.648 of 2020 on the file of respondent police and now they have filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioners are driver and cleaner and they are working under A1 in this case. The allegation is that they have taken untreated effluents and let it in public place without treating it. Hence, the criminal case has been registered against the petitioners and now, apprehending arrest, they have filed the present petition.



3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the the petitioners are driver and cleaner and they are employed under A1. He would submit that there is no previous cases pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the fact that the petitioners are driver and cleaner, they are working under A1 and even before discharging effluents, the lorry was seized and there is no previous case pending against the petitioners, 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 their 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, Ranipet, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 petitioners shall appear before the respondent police as and when required for 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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

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-sd/-
09/02/2021

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,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
VELLORE.

+1CC to M/S D.BENNINGTON Advocate on payment of necessary charges SR NO.1365

CRL OP.1568/2021

Date :09/02/2021

MK:12/02/2021