

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1503 of 2021

1. K.Boominathan
2. R.Prakash

... Petitioners

-Vs-

State Rep, by its
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.563 of 2019)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.563 of 2019 pending on the file of the respondent.

For Petitioners: Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379, 420 of IPC r/w. U/Sec.21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.563 of 2019, on the file of the respondent police, seek anticipatory bail.

2. Earlier, the petitioner has filed a Criminal Original Petition seeking for anticipatory bail before this Court and this Court by an order dated 06.01.2020 has granted anticipatory bail to the petitioners with a condition to deposit a sum of Rs.1,80,000/-. Thereafter, the petitioners have filed a petition to modify the condition, which was dismissed by this Court by an order dated 19.02.2020. Once again, the petitioners have filed another petition in Cr1.M.P.No.5207 of 2020 to modify the condition, that order also came to be dismissed by this court on 01.09.2020 and a permission was granted to the petitioners to file a fresh petition seeking for anticipatory bail. Accordingly, this petition has been filed.

4. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Addl. Public Prosecutor appearing for respondent.

5. Taking into consideration of the fact that the petitioners have already granted anticipatory bail, and due to non-compliance of condition, it was dismissed. Therefore, this Court is inclined to grant anticipatory bail to the petitioners subject to same conditions as follows:-

a) Accordingly, the petitioners are ordered to deposit a sum of Rs.1,80,000/- (Rupees one lakh eighty thousand only) as non-refundable deposit to the credit of The Madras Society for the Protection of Children, New No.891 (Old No.288), Thiruvottiyur High Road, Old Washermanpet, Chennai-600 021, Punjab National Bank, Washermanpet Branch, Chennai-600 021, S.B. A/c. 0307000100019098 IFSC Code No.PUNB 0030700, and 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 Judicial Magistrate, Tiruvarur on condition that the petitioner 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 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;

(c) The petitioners shall deposit a sum of Rs.1,80,000/- (Rupees one lakh eighty thousand only) as non-refundable deposit to The Madras Society for the Protection of Children, Punjab National Bank, Washermanpet Branch, Chennai-600021, S.B. A/c. 0307000100019098 IFSC Code No.PUNB 0030700;

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. for the 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.

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

-sd/-
24/02/2021

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 JUDICIAL MAGISTRATE,
TIRUVARUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

5 THE MADRAS SOCIETY FOR THE PROTECTION OF CHILDREN,
NEW NO.891 (OLD NO.288), THIRUVOTTIYUR HIGH ROAD,
OLD WASHHERMANPET, CHENNAI-600 021,
PUNJAB NATIONAL BANK, WASHHERMANPET BRANCH,
CHENNAI-600 021, S.B. A/C. 0307000100019098
IFSC CODE NO.PUNB 0030700.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO.

CRL OP.1503/2021

Date :24/02/2021