

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No. 3037 of 2021

P.Lakshmanan

... Petitioner

-Versus-

The State Rep. by
The Sub Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
[Crime No.29 of 2021

... 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.29 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Sathyaraj

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

O R D E R

(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.29 of 2021 on the file of the respondent police for the alleged offences punishable under Section 379 of IPC, the petitioner is before this court seeking anticipatory bail.

2. The case of the prosecution is that on 01.02.2021 while the respondent police was on raid, a John Deer Tractor bearing Regn. No. TN 24 AQ 9127 was found transporting one unit of sand illegally without having valid license. The petitioner is the owner of the vehicle. Hence, the criminal case has been registered against the petitioner. The police had seized the vehicle with the sand.

3. The learned counsel appearing for the petitioner submitted that the petitioner is 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

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

5. In order to curb the illegal transportation of sand and taking into consideration of the voluntary submission made by the petitioner offering to deposit or to pay a considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to deposit/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of A/c 3313 6923 317 maintained by Mercy Home, 64 Halls Road, Kilpauk, Chennai 600 010 with State Bank of India, Kilpauk Branch [SBIN 0001853] without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has 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 petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

(a) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Thirty Thousand only) either in cash or through RTGS/NEFT to the credit of A/c 3313 6923 317 maintained by Mercy Home, 64 Halls Road, Kilpauk, Chennai 600 010 with State Bank of India, Kilpauk Branch [SBIN 0001853] within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate-I, Krishnagiri, 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions were imposed and the petitioner has 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/-
17/02/2021

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,
NO.I, KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE MERCY HOME,
64 HALLS ROAD, KILPAUK,
CHENNAI 600 010.

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

CRL OP.3037/2021

Date :17/02/2021

RVR 08/03/2021