

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.OP.No.9090 of 2021

1. Kannan
2. Vinoth @ silambarasan

... Petitioners

Vs.

State rep.by
The Inspector of Police
Sevvapet Police Station,
Thiruvallur District

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in connection with Crime No.120 of 2021 on the file of the
respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Damodaran
Government Advocate (Cr1.Side)

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379 and 430 of IPC and r/w. Section 21(1) of Mines and Minerals
(Development and Regulation) Act, 1957 in Crime No.120 of 2021, on
the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are
alleged to have transported ½ units of river sand illegally in a
bolero Maxi Trax. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioners are innocent persons and they have been falsely
implicated in this case. Hence, he prays to grant anticipatory bail
to the petitioners.

4. The learned Government Advocate (Cr1. Side) appearing for the
respondent submitted that the petitioners had transported ½ unit of
sand illegally in a Bolero Maxi trax. He further submitted that
there is no previous case pending against these petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit jointly a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Tiruvallur District, without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners have 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.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit jointly a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Thiruvallur district, within a period of four weeks from the date of normal functioning of the Court below and on such deposit, the petitioner are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Tiruvallur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners shall deposit jointly a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the District Legal Service Authority, Thiruvallur District and shall produce the said receipt before the Court below.

[c] the petitioners shall report 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.

-sd/-

26/05/2021

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.II, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT LEGAL SERVICE AUTHORITY,
THIRUVALLUR DISTRICT.

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

CRL OP.9090/2021

Date :26/05/2021

RVR 05/07/2021