



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Cr1.OP.No.9218 of 2021

1. Palani
2. John @ Vijiyamoorthy

... Petitioners

Vs.

State rep.by
The Sub Inspector of Police
Kalasapakkam Police Station,
Thiruvannamalai District

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of arrest in crime no.132 of 2021 pending investigation on the file of respondent police.

For Petitioner : Mr.A.Sathishkumar

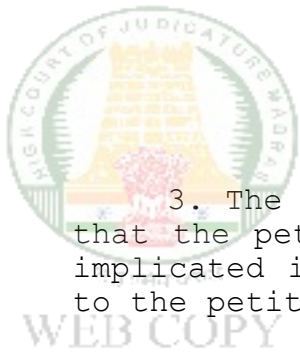
For Respondent : Mr.A.Damodaran
Government Advocate
(Cr1.Side)

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, 430 of IPC r/w. 21(5) of Mines and Minerals Development and Regulation Act, 1957 & 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.132 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 illegally transported 2 units of sand in two TATA 407 vehicles. Hence the complaint.



3. The learned counsel appearing for the petitioners 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 (Crl. Side) appearing for the respondent submitted that the petitioners had illegally transported 2 units of sand in two TATA 470 vehicles. The learned counsel further submitted that the 1st petitioner is the owner of the vehicles and the 2nd petitioner is the driver of the vehicle. He further submitted that there are three previous cases pending against the 1st petitioner and there is no previous case pending against the 2nd petitioner and hence, he vehemently opposed to grant bail to the petitioners.

5. Since three previous cases are pending against the 1st petitioner, this Court is not inclined to grant anticipatory bail and insofar as the 2nd petitioner is concerned, he is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Thiruvannamalai District, without prejudice to his rights and contentions before the trial Court. Merely, because the 2nd petitioner had deposited the said amount, it would not amount to admission of his 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 2nd petitioner alone with certain conditions. Accordingly, the 2nd petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Thiruvannamalai district, within a period of four weeks from the date of normal functioning of the Court below and on such deposit, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate, Kalasapakkam, on condition that the 2nd petitioner 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 2nd petitioner 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 2nd petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the District Legal Service Authority, Thiruvannamalai District and shall produce the said receipt before the Court below.

[c] the 2nd petitioner shall report before the respondent police, as and when required for interrogation.

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

6 THE SECRETARY
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

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

CRL OP.9218/2021

Date :26/05/2021

cs 14/07/2021