

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Crl.OP.No.9285 of 2021

1. Arun
2. Balamurugan

... Petitioners/
Accused A3 & A4

Vs.

State rep.by
The Inspector of Police
Thellar Police Station,
Vandavasi Taluk,
Thiruvannamalai District

... Respondent
Complainant

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.101 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent : Mr.A.Damodaran
Government Advocate
(Crl.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 in Crime No.101 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 lake sand in a Tipper Lorry. 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. The learned counsel for the petitioners further submits that the petitioners are Accused 3 and 4 in this case and they are only the drivers of the said vehicle. 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 transported 2 units of sand illegally in a Tipper Lorry. 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 a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the District Legal Services Authority, Thiruvannamalai 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 a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioner are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Vandavasi, 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 a sum of Rs.10,000/- (Rupees Ten thousand only) each to the credit of the District Legal Service Authority, Thiruvannamalai 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 COURT,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
THELLAR POLICE STATION,
VANDAVASI TALUK,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
THIRUVANNAMALAI DISTRICT.

6 THE SECRETARY,
TAMILNADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

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

CRL OP.9285/2021

Date :26/05/2021