

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Crl.O.P.No.9458 of 2021

Arivazhagan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
(Crime No.360 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.360 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.A.Damodaran

Government Advocate (Crl side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 r/w.21(1) MM D&R 1957 Act, in Crime No.360 of 2021 seeks anticipatory bail.

2.The case of the prosecution that the petitioner along with other accused alleged to have transported 2 units of river sand illegally in a Tipper lorry bearing registration No.TN-38-T-3546. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner had transported 2 units of river sand illegally in a Tipper lorry. He further submitted that no previous case is pending against the petitioner. However, he opposed to grant Anticipatory Bail to the petitioner.

5. This Court is of the opinion that the petitioner to be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Nagapattinam without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has 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 petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Nagapattinam within a period of four weeks from the date of normal functioning of the Court below and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Nagapattinam on condition that the 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 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of the District Legal Services Authority, Nagapattinam and shall produce the said receipt before the Court below.

[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 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 have been imposed and the 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

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KEEVALUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT LEGAL SERVICES
AUTHORITY, NAGAPATTINAM.

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

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

MK:07/07/2021

CRL OP.9458/2021

Date :26/05/2021

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