

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Cr1.O.P.No.9609 of 2021

1. S.Ganapathi
2. Karthick
3. Manikandan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No.316 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of his arrest
in Crime No.316 of 2021 on the file of the respondent police.

For Petitioners: Mr. S.Nedunchezhiyan

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

O R D E R

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 379 of
IPC, in Crime No.316 of 2021, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are
alleged to have transported 1/4 unit of river sand illegally. 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 appearing for the respondent
submitted that each of the petitioners transported 1/4 unit of river
sand illegally in bullock carts. Hence, he vehemently opposed to
grant anticipatory bail to the petitioners.

5. This Court is of the opinion that each of the petitioners to be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only), as non refundable deposit to the credit of the District Legal Services Authority, Ulundurpet, 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, each of the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Ulundurpet within a period of four weeks from the date of normal functioning of the Court below and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Ulundurpet on condition that the petitioners shall execute a separate 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] each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of the District Legal Services Authority, Ulundurpet and shall produce the said receipt before the Court below.

[c] the petitioners 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 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 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/-

27/05/2021

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, ULUNDURPET

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE
THIRUNAVALUR POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT LEGAL SERVICES AUTHORITY,
ULUNDURPET.

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

CRL OP.9609/2021

Date :27/05/2021

RVR 05/07/2021