

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

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

Crl.OP.No.9632 of 2021

Murugan

... Petitioner

Vs.

State rep.by

The Inspector of Police
Kalasapakkam Police Station,
Thiruvannamalai District
Crime No.220 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.220 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sathiyaraj

For Respondent : Mr.A.Damodaran,
GA (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC r/w 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 r/w. Section 3 of TN Public Property (PRVNT of Damage & Loss) Act 1992 in Crime No.220 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported one and half units of sand illegally. 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 transported one and half units of sand illegally. He further submitted that there are two previous cases pending against the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty 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 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.20,000/- (Rupees Twenty 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 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, Thiruvannamalai District, 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.20,000/- (Rupees Twenty thousand only) to the credit of the District Legal Services Authority, Thiruvannamalai District and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police 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 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, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
THIRUVANNAMALAI DISTRICT

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

+1 CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.6301

CRL OP.9632/2021

Date :26/05/2021

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TA-17/06/2021