

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Crl.OP.No.9648 of 2021

1.Elanthamizhan
2.Ramachanthiran

... Petitioners

Vs.

State rep.by its
The Inspector of Police
Vickramagalam Police Station,
Ariyalur District.
Crime No.149 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 their arrest in Crime No.149 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Damodaran,
Government Advocate,
Criminal 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 Section 21(1) Mines and Minerals (Development and Regulation) Act and Section 379 of IPC in Crime No.149 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 transported $\frac{1}{4}$ unit of 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 (Crl.Side) appearing for the respondent submitted that the petitioners have transported $\frac{1}{4}$ unit of sand illegally. The petitioners are father and son. He further submitted that there are no previous cases pending against the petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each as non refundable deposit to the credit of the District Legal Services Authority, Ariyalur 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.5,000/- (Rupees Five Thousand only) each as non refundable deposit to the credit of the District Legal Services Authority, Ariyalur District 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 Principal District and Sessions Judge, Ariyalur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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.5,000/- (Rupees Five thousand only) each to the credit of the District Legal Services Authority, Ariyalur 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 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

[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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
ARIYALUR.

2 THE INSPECTOR OF POLICE,
VICKRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DISTRICT LEGAL SERVICES
AUTHORITY, ARIYALUR DISTRICT.

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

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

CRL OP.9648/2021

MK:07/07/2021

Date :27/05/2021

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