

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

CrI.O.P.No.9683 of 2021

A.Pramoth

... Petitioner

Vs.

The State Represented by
Inspector of Police,
Latheri Police Station,
Vellore District.
(Crime.No.145 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 their
arrest by the respondent police concerned in Crime No.145 of 2021 on
the file of Inspector of Police, Latheri Police Station, Vellore
District.

For Petitioner : Mr.M.Sivakumar

For Respondent : Mr.A.Damodaran
Govt. Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379 and 430 of I.P.C. R/W. Section 21(1) of Mines and Minerals
(Development & Regulation), Act, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is
alleged to have transported 2 bags of 50 Kg sand in his Honda Activa
bike. 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 2 bags of 50 Kg sand in his Honda Activa bike. He further submitted that there are no previous cases pending against the petitioner.

5. This Court is of the opinion that the petitioner is 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, Vellore 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.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the District Legal Services Authority, Vellore 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 Judicial Magistrate No.I, Vellore 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.5,000/- (Rupees Five thousand only) to the credit of the District Legal Services Authority, Vellore 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/-
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 COURT
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
LATHERI POLICE STATION,
VELLORE DISTRICT.

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
VELLORE DISTRICT.

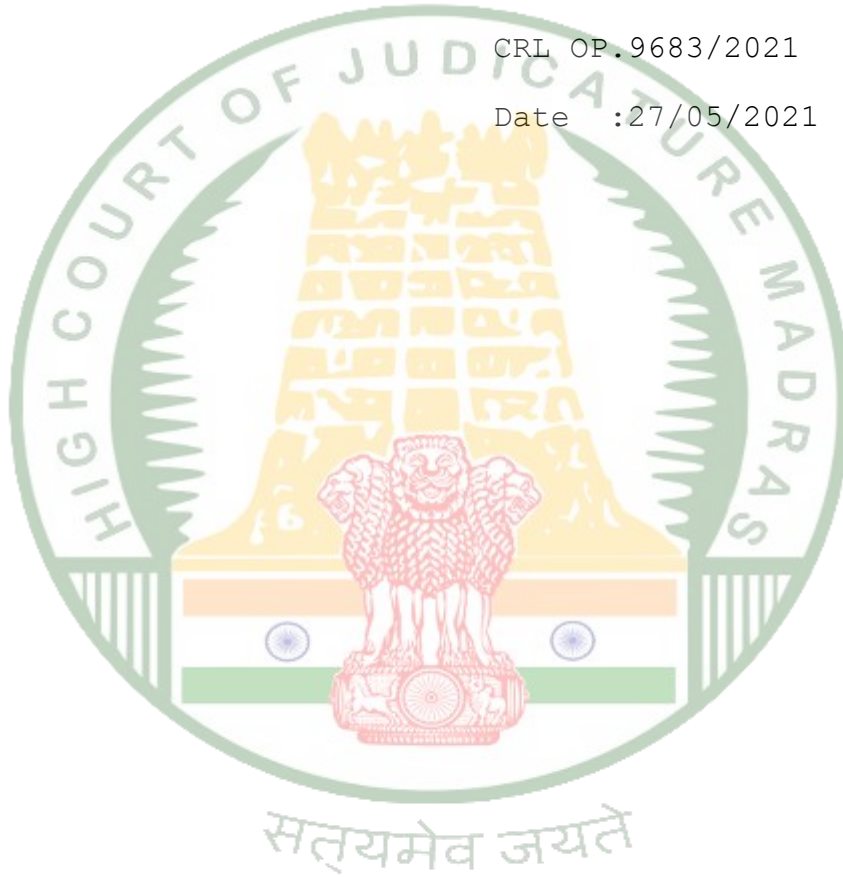
6 THE SECRETARY
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

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

CRL OP.9683/2021

Date :27/05/2021

cs 07/07/2021



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