

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.9699 of 2021

1.Suresh Kumar
2.Yogesh Kumar
3.Govindaraj

... Petitioners

vs.

State, rep.by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
Crime No.132 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No.132 of 2020 on the file of the respondent police.

For Petitioners : Ms.S.P.Arthi
For Respondent : Mr.A.Damodaran
Govt. Advocate (Crl.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(5) of Mines and Minerals (Development & Regulation), Act, 1957, in Crime No.132 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported two unit of river sand in Lorry illegally. Hence, a case was registered against the petitioners.

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 would submit that the petitioners have transported two unit of river sand in Lorry without getting any permission from the Government. He would further submit that there is no previous case pending against the petitioners. Hence, he would oppose to grant anticipatory bail to the petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) jointly as non refundable deposit to the credit of the Sub-Court Legal Services Authority, Gudiyatham, 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.20,000/- (Rupees Twenty Thousand only) jointly as non refundable deposit to the credit of the Sub-Court Legal Services Authority, Gudiyatham, 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 their appearance before the learned Judicial Magistrate, Gudiyatham, on condition that the petitioners 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 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 appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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/Trial Court herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] 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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE SUB COURT LEGAL SERVICES AUTHORITY,
GUDIYATHAM.

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

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

WEB COPY CRL OP.9699/2021
Date :27/05/2021

TA-09/07/2021