

Crl.O.P.No.9706 of 2021

T.V.THAMILSELVI, J.

Today, the matter is listed under the caption "for being mentioned".

2. It is brought to the notice of this Court that some typographical error has been crept in para Nos.5 & 6 of the order dated 27.05.2021. The said para Nos.5 & 6 are to be replaced as follows:

“5. This court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the **District Legal Service Authority, Vellore**, 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.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the **District Legal Service Authority, Vellore**, 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, Gudiyatham, 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:"

3. The time for surrender is extended for further period of two weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted.

4. Registry is directed to carry out necessary correction in the Order and issue fresh order copy.

सत्यमेव जयते

03.08.2021

rri

WEB COPY

Crl.O.P.9706 of 2021

T.V.THAMILSELVI, J.

rri



Crl.O.P.No.9706 of 2021

03.08.2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Crl.O.P.No.9706 of 2021

Bharath

... Petitioner

Vs.

State, rep.by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
Crime No.244 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 arrest by the respondent police in Crime No.244 of 2021 on the file of the respondent police.

For Petitioner : 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. and Section 21(1) of Mines and Minerals (Development & Regulation), Act, 1957, in Crime No.244 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported one unit of river sand in Tractor illegally. Hence, a case was registered against the petitioner.

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 would submit that the petitioner has transported one unit of river sand in Tractor without getting any permission from the Government. He would further submit that there is no previous case pending against the petitioner. 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.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the Sub-Court Legal Services Authority, Gudiyatham, 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.10,000/- (Rupees Ten Thousand only) 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties 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 appear before the respondent police as and when required for interrogation.

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

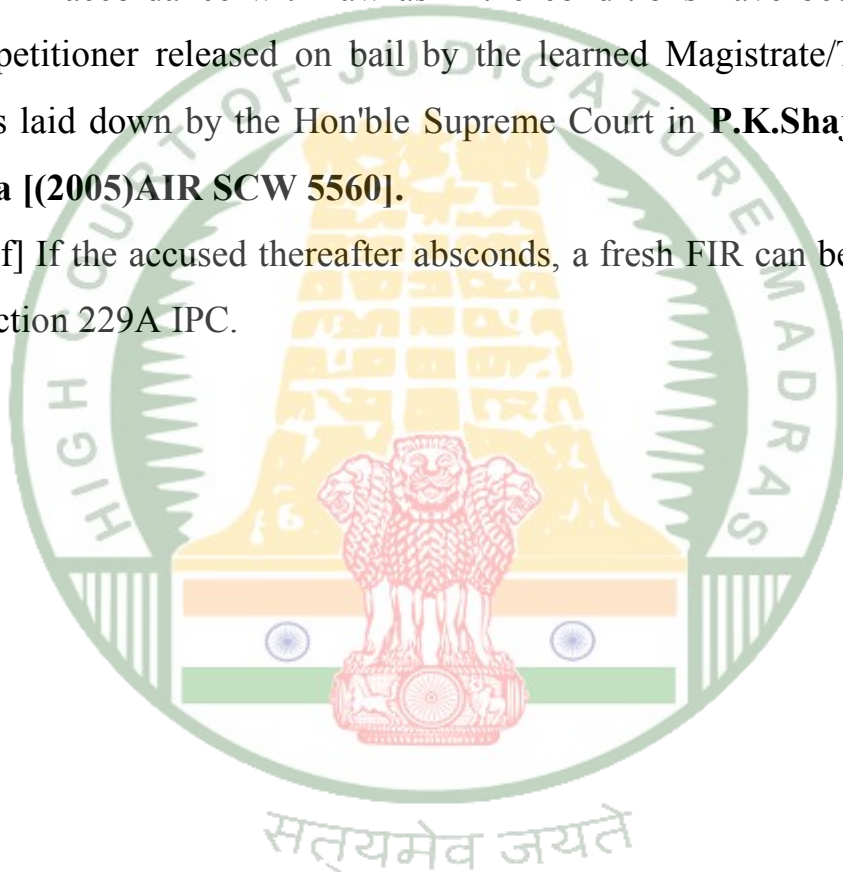
[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

asi/dsa

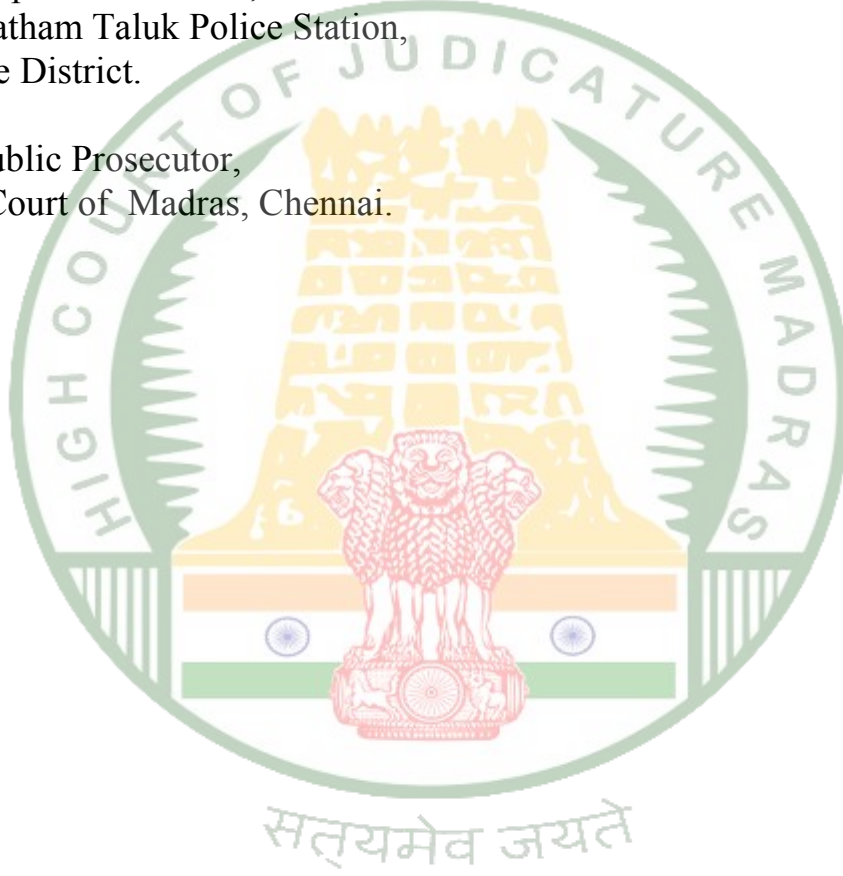
27.05.2021



WEB COPY

To

1. The Judicial Magistrate, Gudiyatham.
2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

Crl.O.P.9706 of 2021

T.V.THAMILSELVI, J.

asi/dsa



Crl.O.P.No.9706 of 2021

WEB COPY

27.05.2021