

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

CrI.O.P.No.9855 of 2021

Thangaraj

... Petitioner

Vs.

State by

The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District.
(Crime No.339 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 by the respondent police in Crime No.339 of 2021 pending on the file of the Inspector of Police, Thiruthani Police Station, Thiruvallur District.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI.side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest by the respondent police for the offences punishable under Sections 379, 430 of I.P.C r/w 21 M.M.Act in Crime No. 339 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 18.05.2021, A1 was found illegally transporting 3 units of river sand by using Lorry without any valid permit of licence from the Government. According to the prosecution, the petitioner is the owner of the said vehicle and is arrayed as A2 in the FIR.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated. He would further submit that the petitioner is not involved in the commission of the offences as alleged by the prosecution. He would further submit that A1 has already been arrested and thereafter released on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is the owner of the vehicle and he is involved in five previous cases. Hence, he would oppose grant of anticipatory bail.

5. After giving due consideration to the afore mentioned factors and in view of the fact that the petitioner is the owner of the vehicle and A1 in this case has already been arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruthani, Thiruvallur 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 conditions that:

[a] the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Thiruvallur, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum;

[b] the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain the production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks from the date of lifting of lockdown and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] if there is 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 per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

[g] though obvious, it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
10/06/2021

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,
TIRUTHANI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
THIRUVALLUR
TOWARDS COVID-19 RELIEF.

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

CRL OP.9855/2021

Date :10/06/2021