

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P. No.10248 of 2021

P.Arun Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore - 641 201.
(Cr.No.172/2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner / 2nd accused on bail in the event of arrest by the respondent police in Crime No.172 of 2021 pending investigation before the respondent.

For Petitioner : Mr.K.Vasanthanayagan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent police for the alleged offence under Section 379 of I.P.C. in Crime No.172 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and another co-accused had illegally transported three units of gravel sand in two lorries on 12.05.2021.

3.However, it is the case of the petitioner that he was only a driver and no way connected with the commission of offence as alleged by the prosecution. The petitioner has also stated in his petition that the co-accused was already granted Anticipatory bail on 26.05.2021 in Crl.O.P.No.9599 of 2021. The petitioner had earlier moved an application seeking for Anticipatory bail before the

Vacation Sessions Judge, Coimbatore in CrI.M.P.No.2153 of 2021, which was dismissed on 20.05.2021.

4. After giving due consideration to the fact that the petitioner is only a driver and has also pleaded innocence and also in view of the fact due that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

5. 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 lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Madukkarai, Coimbatore 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 to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Medical Officer, Coimbatore, towards Covid Relief Fund within a fortnight from the date of receipt of a copy of this order either by way of Demand Draft (DD) or by Fund Transfer;

[b] 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.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/06/2021

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,
MADUKKARI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETTIPALAYAM POLICE STATION,
COIMBATORE-641 201.

5 THE DISTRICT MEDICAL OFFICER,
COIMBATORE,
TOWARDS COVID RELIEF FUND.

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

WEB COPY

CRL OP.10248/2021

Date :11/06/2021

cs 08/07/2021