

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10946 of 2021

S. Suresh

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Thazhambur Police Station,
Crime No.728 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner in the event of his arrest in Cr.No.728 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R. Gopinath

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 and 430 of I.P.C in Cr.No.728 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner illegally transported 3 units of Savudu Soil. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On instructions, learned counsel further submits that without prejudice to his defence and contentions, the petitioners, on his own volition, is ready to deposit Rs.25,000/- to the Mineral Foundation Trust and ready to deposit Rs.50,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail to the petitioners

4.The learned Government Advocate (Crl.Side) submitted that the petitioner illegally transport 3 units of Savudu Soil. He further submits that one previous case is pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to deposit Rs.25,000/- to the Mineral Foundation Trust and ready to deposit Rs.50,000/- for the purpose of improving and maintaining the Government Schools, 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 receipt of a copy of this order, before the learned Judicial Magistrate-I, Chengalpattu, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of the concerned District Mineral Foundation Trust and the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees fifty Thousand only) to the credit of the Chief Educational Officer, Kanchipuram District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgment, shall accept the sureties furnished by the petitioner;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

© the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

(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

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
28/06/2021

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 NO.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MINERAL FOUNDATION TRUST,
CHENGALPATTU.

6 THE CHIEF EDUCATIONAL OFFICER,
KANCHIPURAM DISTRICT.

+1CC to M/S.R.GOPINATH Advocate on payment of necessary charges
SR NO.6873

CRL OP.10946/2021

Date :28/06/2021

MK:09/07/2021