

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11083 of 2021

Rajaraman

... Petitioner

Vs.

State by Inspector of Police
Keevalur Police Station,
Nagapattinam District.
(Crime No.643 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.643 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.K.Subramanian

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 447 and 379 of IPC, in Crime No.643 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. There are totally two accused in this case and the petitioner is arrayed as A1. The case of the prosecution is that, it is alleged that the petitioner along with another persons cut six neem trees worth about Rs.6,000/- (Rupees Six Thousand Only) and left from the scene of occurrence. On the basis of the complaint given by the Head Master of the Kilvelur Government Higher Secondary School, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submits that the petitioner along with another persons cut six neem trees worth about Rs.6,000/- (Rupees Six Thousand Only) and left from the scene of occurrence. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagapattinam, 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 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders; Further, the petitioner shall plant 100 Neem Tree sapling in the locality and file the proof before the respondent police.

(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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

-sd/-

29/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KEEVALUR POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE KILVELUR GOVERNMENT
HIGHER SECONDARY SCHOOL,
NAGAPATTINAM.

+1 CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary
charges SR.NO.6877

CRL OP.11083/2021

Date :29/06/2021

TA-14/07/2021