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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11912 of 2021

Kathiravan

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Nedungadu Police Station,
Karaikkal.
(Cr.No.33 of 2021)

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.33 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 149, 379 of IPC in Crime No.33 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of savudu sand by using tipper lorry.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Jail Department that may be imposed by this Court.

4.The learned Government Advocate submitted that the vehicle involved was seized by the respondent police and there is no previous case pending against the petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

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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-II, Karaikkal 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) for the basic needs of the prisons through demand draft to the credit of the Superintendent of Prison, Jail Department, Puducherry, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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



6. In the result, this Criminal Original Petition is ordered and the Superintendent shall submit the necessary proof with regard to the expenditure incurred for the improvement of the Prison in the District before the Inspector General of Prison, Puducherry as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

12/07/2021

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.II, KARAIKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
NEDUNGADU, KARAIKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
JAIL DEPARTMENT, PUDUCHERRY

6 THE INSPECTOR GENERAL OF
PRISON, PUDUCHERRY

CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges Sr.7337

CRL OP.11912/2021

Date :12/07/2021

RVR 19/07/2021