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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12165 of 2021

Sabarinathan @ Sabari

..Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Villiyannur Police Station,
Pondicherry District.
(Cr.No.254 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.254 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.A.Anandraj

For Respondent : Mr.V.Balamurugane
Government Advocate
(Criminal Side) Puducherry

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC read with Section 3(1) of Prevention of damage to Public Property Act 1984, in Crime No.254 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 half unit of river sand by using bullock cart.

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.10,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Puducherry) submitted that the vehicle involved was seized by the respondent police and there is a 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-III, Pondicherry, 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.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the Chief Educational Officer, Puducherry, **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/acknowledgement, shall accept the sureties furnished by the petitioner;

(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.

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred 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/-
14/07/2021

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.III, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
VILLIYANUR POLICE STATION,
PONDICHERRY.

5 THE CHIEF EDUCATIONAL OFFICER,
PUDUCHERRY.

+1 CC to M/S.A.ANANDHRAJ Advocate on payment of necessary charges SR.NO.7379

CRL OP.12165/2021

Date :14/07/2021

TA-03/08/2021