

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18951 of 2020

Moorthi

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Crime No.692 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.692 of 2019 pending investigation on the file of the Respondent.

For Petitioner : M/s. R.Sasikumar

For Respondent : Mr.S. Karthikeyan
ADDITIONAL PUBLIC PROSECUTOR

O R D E R

(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 430 & 379 of IPC in Crime No.692 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 3 units of sand illegally. Hence, the respondent police registered a case against the petitioner .

3. The learned counsel appearing for the petitioner would submit that earlier, this Court, by an order dated 14.11.2019 in Crl.O.P.No.30630 of 2019 granted anticipatory bail to the petitioner with a condition to deposit a sum of Rs.15,000/- to the credit of concerned Court along with other conditions. Pursuant to the same, he has also deposited the said sum. However, he was not able to execute the sureties in time. Hence, the petitioner has moved an application for extension of time for executing the sureties. This Court dismissed that application with liberty to the petitioner to move a second Anticipatory Bail application. Hence, this application has been filed.

4. Considering the said facts and circumstances of the case, and also the fact that the petitioner has deposited the amount as directed by this Court in the order dated 14.11.2019 in CrI.O.P.No.30630 of 2019, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, District Munsif cum Judicial Magistrate, Sriperumbudur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 appear before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIERUMBUDHUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges
Sr.60

CRL OP.18951/2020

Date :05/01/2021

RVR 19/01/2021

WEB COPY