

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20379 of 2020

P.Eswaran

... Petitioner/Accused No.2

-Vs-

The State Rep. by
Inspector of Police,
Sankari Police Station
Salem District.
(Crime No.677 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant an anticipatory bail to this petitioner in the event of his arrest or on appearance before any Court in connection with the case in Crime No.677 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w Section 3(1) of the Prevention of Damage to Public Property Act, 1984, in Crime No.677 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.12.2020, while the defacto complainant was on the routine rounds he was found with a Tractor along with compressor bearing number TN-37-C-8574 loaded with lime stone was dug from the land bearing S.No.146, Patta No.262, Annadhanapatti Village, Sankari Taluk, Salem District illegally and thereby the vehicle was seized and the case was registered.

3.The learned counsel appearing for the petitioner would submit that he is nothing to do with the crime and he is innocent and he was not aware of the fact that the vehicle was involved in the crime.

Hence, he prayed for grant of Anticipatory Bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is A2 and he is the owner of the land where the crime had taken place and A1 is the driver of the vehicle and both of them were intercepted since they were found in digging lime stone illegally.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Sankari, Salem District, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. 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 JUDICIAL MAGISTRATE,
NO.I, SANKARI, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.D.BASKAR Advocate on payment of necessary charges
SR.No.95

CRL OP.20379/2020

Date :05/01/2021

cs 18/01/2021

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