

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20522 of 2020

1.E.Sivarajan @ Sivaraj
2.D.Seetharam @ Seetharaman
3.T.Deepansakkaravarthi @ Deepan
4.D.Ananthavel @ Vel
5.D.Thangaivel
6.G.Murali
7.K.Manikandan
8.E.Surya @ Suryarajan
9.E.Balaji @ Jayaselvan ... Petitioners/ Accused 2 to 10

Vs.

The State, represented by,
The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District
(Crime No.3028 of 2020) ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned with Crime No.3028 of 2020, on th file of the Inspector of Police, Chengalpattu Taluk Police Station, Chengalpattu District.

For Petitioners : Mr.G.Punniakoti

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed as A2 to A10 and totally, there are ten accused in the present case. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 430, 379 of IPC r/w 21(5), in Crime No.3028 of 2020, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are loading and unloading workers, and they have transported 2.5 units river sand. It is the allegation that A1 and A2 is the owner of the property, they said to have transported river sand of 2.5 units without any valid license obtained from the authorities. Hence, the case has been registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are merely loading and unloading workers,

they are no way connected with the offences as alleged by the respondent police. The main accused A1 was remanded to judicial custody and thereafter he was released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that in this case totally 9 accused, in which the petitioners are arrayed as A3 to A9. He further submitted that there is no previous case pending against the petitioners.

5. Taking into consideration of the facts and circumstances of the case, and other co-accused viz., A1 was already released on bail, and the petitioners are merely loading and unloading workers, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Chengalpattu, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[a] 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 petitioners shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

07/01/2021

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, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU.

CC to M/S G.PUNNIAKOTI Advocate on payment of necessary charges
Sr.290

CRL OP.20522/2020

Date :07/01/2021

RVR 20/01/2021