



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19899 of 2021

ARUL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE STATION HOUSE OFFICER,
VILLIANUR POLICE STATION,
VILLIANUR,
PONDICHERRY.
CRIME NO.21/2021.

[RESPONDENT]

For Petitioner : M/S.E.ANBARASAN Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor
for Puducherry.

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sec. 379 and 34 of I.P.C and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.21 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner attempted to illegally transport river sand without any transit permit in a Bolero Jeep. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submits that a sum of Rs.10,000/- be given to " The Dean, JIPMER Hospital, Puducherry" for the purpose of development of the hospital.



4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that the petitioner attempted to transit the river sand. He further submits that there are no previous cases pending against the petitioner.

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5. In view of the the fact that the petitioner on his own volition is ready and willing to contribute a sum of Rs.10,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioner.

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 **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 canceled;

(b) **as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.10,000/- through demand draft in favour of " The Dean, JIPMER Hospital, Puducherry" for the purpose of development of the hospital under necessary acknowledgment.** The above contribution is made without prejudice to his defence before the trial court and the petitioner shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) the petitioner and 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., for a period of two weeks and thereafter as and when required.**

(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;

<https://hcservices.ecourts.gov.in/hcservices/> In 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.

-sd/-
02/11/2021

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 STATION HOUSE OFFICER,
VILLIANUR POLICE STATION,
VILLIANUR,
PONDICHERRY.

5 THE DEAN,
JIPMER HOSPITAL,
PUDUCHERRY.

+1 CC to M/S.E.ANBARASAN Advocate on payment of necessary charges SR.NO.12430

CRL OP.19899/2021

Date :02/11/2021

TA-19/11/2021