



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20085 of 2021

S.SANKAR ALIAS DEVA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE HEAD CONSTABLE,
VILLIYANUR POLICE STATION,
VILLIYANUR, PUDUCHERRY.
CR.NO.0348 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.PRABHAKAR 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 Sections 379 of I.P.C in Cr.No.0348 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on information, the Respondent police went to the spot and found an eight feet pit was dug and the sand was removed and was stored nearby. On enquiry, the Respondent police came to know that the same was done by the petitioner. Hence the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case.

5. Considering the facts and circumstances of the case though there is an allegation against the petitioner that he had dug a pit and removed the sand but no illegal transportation of sand has taken place and therefore this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is granted anticipatory bail and he 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 Judicial Magistrate-III, Puducherry, on condition that the petitioners 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 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/10/2021

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.

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



2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE HEAD CONSTABLE,
VILLIYANUR POLICE STATION,
VILLIYANUR,
PUDUCHERRY.

+1 CC to M/S. M.PRABHAKAR Advocate on payment of necessary
charges SR.NO.12066

CRL OP.20085/2021

Date :27/10/2021

TA-10/11/2021