



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21569 of 2021

1.K.Sakthi @ Sathyasanthan
2.Madhan @ Madhan Kumar

... Petitioners

Vs.

State Rep. by its
The Inspector of Police,
Thirukanur Police Station,
Pondicherry.
Cr.No.86 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.86 of 2021 on the file of the Inspector of Police Thirukannur Police Station, Pondicherry.

For Petitioners : Mr.A.Anandhraj

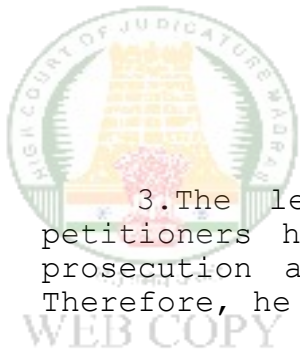
For Respondent : Mr.Balamurugane

Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 34, 379 of IPC r/w 3 of prevention of damage to Public Property Act, 1984, in Crime No.86 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the when the respondent police was conducted regular raid, they noticed that the petitioners have dumped the river sand in vacant land and the same was transported in illegal manner by using vehicle . Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that there are two previous cases pending as against A-2 in this case and the above said vehicle was seized by the respondent police. He further submits that investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and also considering the fact that investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6.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 IV, Pondicherry, on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks and thereafter 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]; and;



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

-sd/-
22/11/2021

WEB COPY

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.IV, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUKANUR POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PONDICHERRY.

+1 CC to M/S.A.ANANDHRAJ Advocate on payment of necessary charges
SR.NO.13152

CRL OP.21569/2021

Date :22/11/2021

JPA 26/11/2021