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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21805 of 2021

1.Chinnasamy
2.Magendiran

... Petitioners

Versus

State Rep by
Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District
(Crime No.56 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.56 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E. Kannadasan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under section 379 I.P.C, in Crime No.56 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioners were involved in illegal transportation of one unit of river sand in a Lorry bearing Registration No. KA-02-AB-1111. Hence, the Law Enforcing Agency registered a case against the petitioners.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that without prejudice to his defence and contentions, the petitioners is ready to deposit any considerable amount, on his own volition, to any charitable institution. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate(Crl.Side) submits that petitioners were involved in illegal transportation of one unit of river sand. He further submits that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and Circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance before the learned D.M. cum.J.M., Pochampalli 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit in favour of "SEVALAYA, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai- 600 018" within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioners 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 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].



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

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19/11/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAGARASAMPATTY POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SEVALAYA,
NO.F-2,PUSHKARANI APARTMENTS,
12 ANDANDA ROAD,
ALWARPET, CHENNAI 600 018.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.13070

CRL OP.21805/2021

Date :19/11/2021

CSK 26/11/2021