



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22019 of 2021

1.P.Venkatesan
2.S.Sathishkumar
3.Selvam @ Narasimman
4.T.Rajkumar

... Petitioners

Versus

State rep. by
The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
(Crime No.365 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.365 of 2019 on the file of the respondent police.

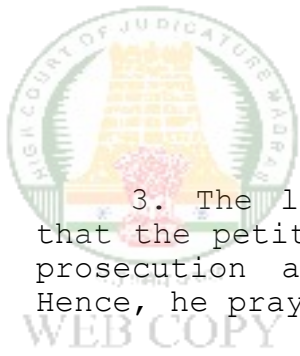
For Petitioners : Mr.G.Punniakoti

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 353, 430, 379, 506(ii) of IPC in Crime No.365 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused transported 1 unit sand without valid licences by way of Lorry. Hence, the complaint.



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

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners were found illegally transporting two bags of sand without permission and 3 previous cases pending against A1 and A2, A3, A4 have no previous case. However, he vehemently opposed to grant 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 2 to 4 with certain conditions and not inclined to grant anticipatory bail to the 1st petitioner, hence this Criminal Original Petition is dismissed against the 1st petitioner.

6. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Cheyyar, on condition that the petitioners 2 to 4 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 2 to 4 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) [Rs.5000/- each] to the credit of the Registered Advocate Clerk Association, Thiruvannamalai District 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 2 to 4 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 2 to 4 are directed to report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.

-sd/-

23/11/2021

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, THIRUVANNAMALAI DISTRICT.

+1 CC to M/S G.PUNNIAKOTI Advocate on payment of necessary charges SR.NO.13266

CRL OP.22019/2021

Date :23/11/2021

JPA 26/11/2021