



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

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

CrI.O.P.No.21955 of 2021

Gobu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
Crime No.212 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.212 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan

Government Advocate (CrI. Side)

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 379, IPC in Crime No.212 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner had illegally transported ½ unit river sand by using Mahindra Tractor, without any license. Hence, the Complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that petitioner no way connected with the offence as stated above. Hence, he prays to grant anticipatory bail to the petitioner. 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.5,000/- to the credit of the Madras High Court Advocate Clerks Welfare Association, Chennai that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner had illegally transported half unit of river sand by using Mahindra Tractor without any valid license.

WEB COPY

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Harur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Madras High Court Advocate Clerks Welfare Association, Chennai 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 petitioner 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 petitioner is directed to 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;

[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].



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

WEB COPY

-sd/-
22/11/2021

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,
HARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATION, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.13186

CRL OP.21955/2021

Date :22/11/2021

CSK 26/11/2021