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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.12.2021

CORAM:

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

Crl.O.P.No.23864 of 2021

Hariharan

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.
Crime No: 592 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 592 of 2021 on the file of the Inspector of Police, Mannargudi Taluk Police Station, Thiruvarur District.

For petitioner : Mr.Swami Subramanian

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

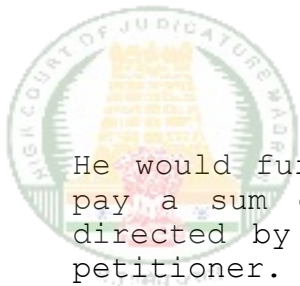
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.11.2021 for the offences under **Section 379 of IPC**, in Crime No.592 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.08.2021 when the respondent police along with his police party were on patrol duty, the petitioner along with other accused was found illegally transporting 3/4 unit of river sand by using SML vehicle bearing Registration No.TN 20 W 3882 and when the defacto complainant enquired them, the accused abused them in filthy language and tried to flee away from the place. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and that he has been suffering incarceration for more than 10 days from 27.11.2021.



He would further submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that petitioner is arrayed as A2 and he is who is the owner of the vehicle.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand Only)**, to the credit of the **Registered Advocate Clerks Association, Thiruvarur District**, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the period of incarceration undergone by him and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate-I, Mannargudi, Thiruvarur District**, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the **Registered Advocate Clerks Association, Thiruvarur District**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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 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;

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

-sd/-
10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, MANNARGUDI.



6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.23864/2021

Date :10/12/2021

TA-13/12/2021