



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24138 of 2021

Syed

... Petitioner

Versus

The State, represented by
Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.285 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

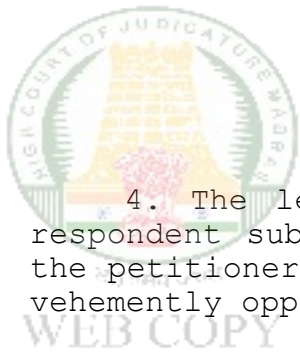
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC (Soil Theft), in Crime No.285 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner had illegally transported 3 units of gravel sand by using lorry, without any permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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 Government Leprosy Rehabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit report before the District Collector of Chengalpet.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Krishnagiri, 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 shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) by way of demand draft to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home, within a period of two weeks from the date of receipt of copy of this order, 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 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 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].

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

-sd/-
13/12/2021

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,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE GOVERNMENT LEPROSY REHABILITATION HOME,
PARANUR, CHENGALPET

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 14620

CRL OP.24138/2021

Date :13/12/2021

JPA 20/12/2021