



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.24041 of 2021

1.D.Kalaiarasan
2.K.Santhosh Kumar
3.E.Sivakumar
4.M.Arun kumar
5.S.Sekar
6.M.Malaiyarasan
7.N.Palani
8.V.Prabhu

... Petitioners

Versus

State represented by
The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069.
(Crime No.758 of 2021)

... 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 arrest pending investigation in Crime No.758 of 2021 on the file of the respondent police station.

For Petitioners: Mr.T.Dhasarathan

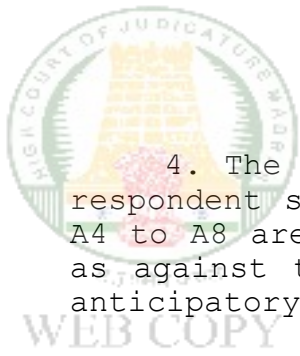
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 379 IPC and section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.758 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused illegally transported 6 units of river sand using 6 dipper lorries, 2 JCB and 1 Bokaline. 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 he has 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 submits that the petitioners A1 to A3 are owners and A4 to A8 are drivers of the vehicles and there are no previous cases against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners/ A1 to A3 shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) each, to the credit of the Government Leprosy Rahabilitation 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 within 4 weeks and submit report before District Collector of Chengalpet.

6. It is made clear that the deposit of the amount by the petitioners 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 anticipatory bail.

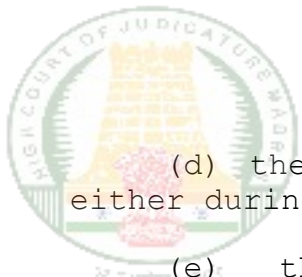
7. Considering the period of incarceration undergone by the petitioners and also the fact that there is no previous cases against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 Sriperumpudhur, and on further condition that:

(a) the petitioners(A1 to A3) shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each through demand draft to the 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 and submit the report to the Chengalpet District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(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 petitioners shall report before the respondent police on every Wednesday 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]; and;

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

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-13, KUNDRATHUR POLICE STATION, CHENNAI - 600 069.

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE GOVERNMENT LEPROSY
RAHABILITATION HOME, PARANUR, CHENGALPET

CC to M/s.T.Dhasarathan Advocate on payment of necessary charges Sr.14775

CRL OP.24041/2021

Date :13/12/2021

RVR 22/12/2021