



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24098 of 2021

Ariyaputhiri

... Petitioner

Versus

State represented by
The Station House Officer,
Bahour Police Station,
Bahour, Puducherry.
(Crime No.226 of 2021)

... 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 arrest, by the respondent police in Crime No.226 of 2021 on the file of the Station House Officer, Bahour Police Station, Puducherry.

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor (Puducherry)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC in Crime No.226 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 03.12.2021, when respondent police was in rounds, they have found one Tata Mini Van was carrying a covered load. When respondent police stopped the said van and while inspecting they have found that one unit of river sand was illegally carried in the van. The said van was driven by one Sooriya and during the enquiry he confessed that the river sand was transported from Thenpennai river bed, Seriyankuppam, Puducherry. Based on the statements made by the driver, the respondent police have registered FIR. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has 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 submitted that the petitioner was illegally transported 1 unit river sand without permission. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 No.IV, Puducherry, 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.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Puducherry 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 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 anticipatory 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/-

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.IV, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE STATION HOUSE OFFICER,
BAHOUR POLICE STATION,
BAHOUR, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, PUDUCHERRY

CC to M/S.K.SASINDRAN Advocate on payment of necessary charges
Sr.14643

CRL OP.24098/2021

Date :13/12/2021

RVR 16/12/2021