



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.24491 of 2021

Chandru

.. Petitioner

Vs.

State Rep. by
The Station House Officer,
Mudaliarpur Police Station,
Pondicherry.
(Crime No.94 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 by the police in Crime No.94 of 2021, dated 27.05.2021 on the file of the respondent police.

For Petitioner : Mr.E.Anbarasan

For Respondent : Mr.V.Balamurgane
Additional Public Prosecutor(Pondicherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 and under Section 34 of IPC, in Crime No.94 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had transported one unit of river sand without having any valid 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 such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.20,000/- to the credit of the Registered Advocate Clerks Association, Pondicherry. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor (Pondicherry) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that petitioner had illegally transported one unit of river sand and he further submits that the petitioner is having one previous case.

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.20,000/- to the credit of the Registered Advocate Clerks Association, Pondicherry, 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.III, Pondicherry*, 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.20,000/- (Rupees Twenty thousand only) to the Registered Advocate Clerks Association, Pondicherry, 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 has 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.

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-sd/-
16/12/2021

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.III, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
MUDALIARPET POLICE STATION,
PONDICHERRY.

4 THE REGISTERED
ADVOCATE CLERKS ASSOCIATION,
PONDICHERRY.

5 THE PUBLIC PROSECUTOR
PONDICHERRY.

+1CC to M/S.E.ANBARASAN Advocate on payment of necessary
charges SR.NO.14975

CRL OP.24491/2021

Date :16/12/2021

CSK 27/12/2021