



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24441 of 2021

Rajkumar

... Petitioner

Versus

The State represented by
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(Crime No.583 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 his arrest by the respondent police concerned in Crime No.583 of 2021 on the file of the Inspector of Police, Vellavedu Police Station, Thiruvallur District.

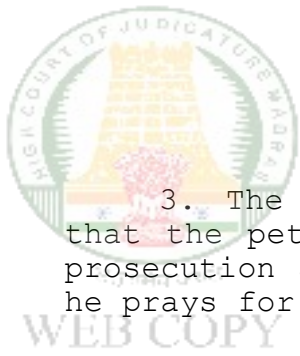
For Petitioner : Mr.M.Vinoth

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of IPC and Section 36(A) of MMDR Rules in Crime No.583 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information the respondent police went to Kuthamkkam and have found that the petitioner along with others have illegally taken Savudu sand of 2 Unit by using JCB and Tipper Lorry the driver of JCB vehicle was arrested and the vehicles also seized by the respondent police. However, the petitioner have escaped from the scene of occurrence. 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 2 previous cases pending against the petitioner and the petitioner seized 2 unit of Savudu sand illegally. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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.25,000/- for charitable purpose, 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 Court No.II, Poonamallee, 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 a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800, without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment 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/-
15/12/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 Kaakkum Karangal Old Age Home,
89/47, Santhome High Road,
Santhome, Chennai-600 028,
A/c No.000101219273, ICICI Bank,
Santhome Branch, IFSC Code:ICIC0003432,
MICR Code:600229120, Swift Code: ICICINBBXXX,
Mobile No.9840068800

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.NO.14211

CRL OP.24441/2021

Date :15/12/2021

RW 16/12/2021