



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Cr1.O.P.No.24838 of 2021

R.Kuppusami

... Petitioner

Vs.

The State,
Inspector of Police,
V-7, Nolambur Police Station,
Chennai-600 037.
(Crime No.780 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.780 of 2021
pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Dhasarathan

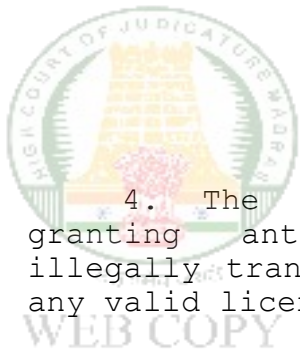
For Respondent : Mr.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379, 430 of IPC and Section 21(5) of Mines and Minerals (Development & Regulation) Act in Crime No.780 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 units of savudu sand by using lorry without any valid licence. 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, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Organization as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that the petitioner had illegally transported 3 units of savudu sand by using lorry without any valid licence.

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 Anbagam, Rehabilitation Centre (for the Mentally III Persons), Kulandaivel Nachammal Nagar, Thirunilai Village, Vichur, Ponneri-TK, Thiruvallur, Contact No.044-29013306 and 9444009988 without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Rehabilitation for the welfare of mentally retarded persons.

6.It is made clear that the deposit of the amount by the petitioner to the said Rehabilitation Centre 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 bail.

7.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 had willfully and on his own volition, he has agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Ambattur 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] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[a] the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft Anbagam, Rehabilitation Centre (for the Mentally III Persons), Kulandaivel Nachammal Nagar, Thirunilai Village, Vichur, Ponneri-TK, Thiruvallur, Contact



WEB COPY

No.044-29013306 and 9444009988, 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;

[c] 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.

[d] 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;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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];

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

-sd/-

17/12/2021

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,
AMBATTUR.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
V-7 NOLAMBUR POLICE STATION,
CHENNAI-600 037

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 ANBAGAM, REHABILITATION CENTRE
(FOR THE MENTALLY III PERSONS),
KULANDAIVEL NACHAMMAL NAGAR,
THIRUNILAI VILLAGE, VICHUR,
PONNERI-TK, THIRUVALLUR,

+1 CC to M/S.T.DHASARATHAN Advocate on payment of necessary
charges SR.NO.15089

CRL OP.24838/2021

Date :17/12/2021

JPA 29/12/2021