



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25345 of 2021

Hariharan

... Petitioner

Versus

State Rep by
The Station House Officer,
Villianur Police Station,
Pondicherry.
(Crime No.288 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.288 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.E.Anbarasan

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 379 of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984 and 34 IPC in Crime No.288 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported one unit of river sand illegally in mini lorry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocate Clerk Association, Puducherry District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has transported one unit of river sand illegally in mini lorry.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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-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.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Puducherry District, 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., 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/-

23/12/2021

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,
VILLIANUR POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, PUDUCHERRY

CC to M/S.E.ANBARASAN Advocate on payment of necessary charges
Sr.15554

CRL OP.25345/2021

Date :23/12/2021

RVR 03/01/2022