



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Cr1.O.P.No.468 of 2022

1.Pradeep

2.Kuttykumar @ Kumar

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Villianur Police Station,
Puducherry District.
Crime No.3 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of his arrest
by the respondent police in Cr.No. 3 of 2022 on the file of the
respondent police.

For Petitioners : Mr.A.Anandharaj

For Respondent : Mr.V.Balamurugane
PP for Pudhucherry

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379, 34 of IPC r/w. 3(1) of PDPP Act, in Crime No.3 of 2022, on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with
other accused were found illegal transportation of river sand. Hence,
the complaint.

3. The learned counsel appearing for the petitioners submits that
the petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. However, on instructions, the
learned counsel further submits that the petitioners, on their own



volition, is ready and willing to contribute a sum of Rs.5000/- by the first petitioner and Rs.10,000 by the second petitioner to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioners.

4. The learned Public Prosecutor submits that there is no previous case pending against A1 and there is one previous case pending against A2. However, he opposed for grant of anticipatory bail to the petitioners.

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 petitioners has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- by the first petitioner and Rs.10,000 by the second petitioner for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.III, Puducherry on condition that the petitioners 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 and on further condition that:

[a] the first petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) and the second petitioner is directed to deposit Rs.10,000/- (Rupees Ten Thousand Only) to the Registered Advocate Clerks Association, Puducherry within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners is 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
11/01/2022

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 III,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY (FOR INFORMATION).

3 THE STATE REP. BY
THE INSPECTOR OF POLICE, VILLIANUR P.S.
PUDUCHERRY DISTRICT. (CRIME NO. 3 OF 2022)

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

5 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
PUDUCHERRY.

+1 CC to M/S. A.ANANDHARAJ Advocate on payment of necessary charges SR.NO.605

CRL OP.468/2022

Date :11/01/2022

INBA~20/01/2022