



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.576 of 2022

1.Raj @ Rajkumar
2.Annadurai

... Petitioners

Versus

State represented by
The Inspector of Police,
Virudampet Police Station,
Virudampet, Vellore District.
(Crime No.496 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.496 of 2021 on the file of the Inspector of Police, Virudampet Police Station, Virudampet, Vellore District.

For Petitioners : Mr.G.Vinodhkumar

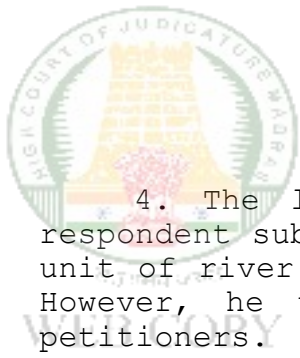
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.496 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant suo-motu, lodged complaint before the respondent police against the petitioners herein. The defacto complainant and another were routine vehicle checkup nearby at the time petitioners illegally transported 3 unit river sand by Tipper Lorry without having valid permit from the competent authority. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners were illegally transported 3 unit of river sand without permission and A2 having 2 previous cases. However, he vehemently opposed to grant anticipatory bail to the petitioners.

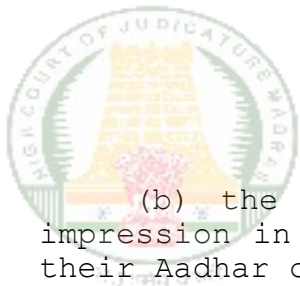
5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand Only), to the credit of the Government Leprosy Rahabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home within 4 weeks and submit report before District Collector of Chengalpet.

6. It is made clear that the deposit of the amount by the petitioners to the said Association 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 anticipatory bail.

7. Considering the period of incarceration undergone by the petitioners and also the fact that there is no previous cases as against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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, Vellore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) totally in Crime No.496 of 2021 through demand draft to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit the report to the Chengalpet District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;



(b) 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;

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(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 have been imposed and the petitioners 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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VIRUDAMPET POLICE STATION,
VIRUDAMPET, VELLORE DISTRICT.



4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE GOVERNMENT LEPROSY,
REHABILITATION HOME,
PARANUR, CHENGALPET.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.576/2022

Date :11/01/2022

INBA-12/01/2022