



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

CrI.O.P.No.863 of 2022

Rajappan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(Crime No.772 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.772 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

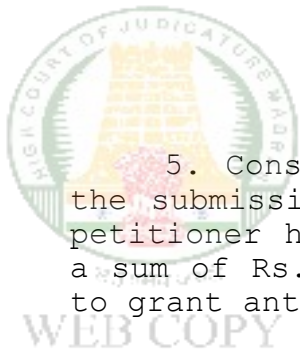
ORDER

The petitioner, who apprehends arrest for the alleged offence u/s. 379 IPC (sand theft) in Cr.No.772 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the patrol duty, the respondent police found that the petitioner was in illegal possession of one unit of Lake sand in Tractor bearing TN-73-W-0742. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that this kind of sabotage activities will destroy our environment. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also the submissions made by both the counsel and also the fact that the petitioner has wilfully and on his own volition 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.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is 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 learned Judicial Magistrate - No.I, Krishnagiri, on condition that the petitioner shall execute 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 conditions that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Little Hearts Rehabilitation Centre for the persons with Mental Illness No.2/255 Achandaram Bagalur to Berigai Road, Hosur, Krishnagiri District,- 635 105 Cont.No.9884999492, 9940617712 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 petitioner 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 petitioner shall report before the respondent police on Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

[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 has been imposed and the petitioner 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/-

12/01/2022

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,
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE LITTLE HEARTS REHABILITATION
CENTRE FOR THE PERSONS WITH MENTAL ILLNESS
NO.2/255 ACHANDARAM BAGALUR TO BERIGAI ROAD,
HOSUR, KRISHNAGIRI DISTRICT,- 635 105
CONT.NO.9884999492, 9940617712

CC to V.ELANGO VAN Advocate on payment of necessary charges
Sr.780

CRL OP.863/2022

Date :12/01/2022

RVR 21/01/2022