



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1335 of 2022

WEB COPY

1.Kutty Kumar @ Kumar
2.Sabari @ Sabarinathan
3.Mani @ Subramanian

.. Petitioners

Vs.

The State represented by
The Inspector of Police,
Villianur Police Station,
Puducherry District.
(Crime No.409 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on Anticipatory Bail in the event of their arrest in Cr.No.409 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.Kannan
For Mr.A.Anandha Raj

For Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor (Pondicherry)

ORDER

(The 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 of IPC and 3(1) of Prevention of Damage to Public Property Act 1984, r/w Section 34 of IPC, in Crime No.409 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 08.01.2022, when the respondent police were on the regular checking of vehicles, they found that the petitioners have illegally transported two gunny bags of river sand by using vehicle without any valid licence. Hence the complaint.



3. The learned counsel appearing for the petitioners submit 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, are ready and willing to contribute a sum of Rs.10,000/- for the purpose of any charitable trust. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor (Pondicherry) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the petitioners have illegally transported two gunny bags of river sand without any valid bill and permit.

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 have willfully and on their own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered 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, 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the registered Advocate clerk Association, Pondicherry, 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 every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for an interrogation;



[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 are 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/-

24/01/2022

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.III, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLIANUR POLICE STATION,
PUDUCHERRY DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, PONDICHERRY.

+1 CC to M/S.A.ANANDHA RAJ Advocate on payment of necessary charges SR.NO.1097

CRL OP.1335/2022

Date :24/01/2022

RW 01/02/2022