



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.01.2022

CORAM:

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

Cr1.O.P.No.1527 of 2022

1. Raviendran @ Ravindran,
2. Kamalraj

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Kangeyam Police Station,
Thiruppur District.
(Crime No.16 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.16 of 2022 on the file of Inspector of Police, Kangeyam Police Station, Thiruppur District..

For Petitioners: Mr.G.Sampath

For Respondent : Mr.A.GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC in Crime No.16 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police on regular vehicle checkup, they found that the petitioners had illegally transported 3 units of gravel sand by using motor vehicle without any valid license. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioner have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, on their own volition, without prejudice their defence, ready and willing to contribute a sum of Rs.25,000/- for any charitable purpose as imposed by this Court. He would pray for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor raised objection stating that the the petitioners had illegally transported three units of gravel sand by using motor vehicle without any valid license. He further submitted that there is no previous case pending against the petitioners.

5. Considering the submissions 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.25,000/- [Rupees Twenty Five Thousand Only (out of which, 1st petitioner being a vehicle owner shall deposit Rs.15,000/- and the 2nd petitioner being a driver shall deposit Rs.10,000/-)], to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Cancer Institute for the treating the patients.

6. It is made clear that the deposit of the amount by the petitioner to the said Institute 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 bail.

7. Considering the facts and circumstances of the case and the fact that the investigation was completed and there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioners are directed to make a non refundable deposit of Rs.25,000/- [Rupees Twenty Five Thousand Only (out of which, 1st petitioner being a vehicle owner shall deposit Rs.15,000/- and the 2nd petitioner being a driver shall deposit Rs.10,000/-)], to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, On proof of such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate Kangeyam, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(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;



(c) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m for a period of four weeks, thereafter as and when required for 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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/01/2022

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,
KANGEYAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
THIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S S.SILAMBUSELVAN Advocate on payment of necessary
charges SR.NO.1211

CRL OP.1527/2022

Date :25/01/2022

RW 09/02/2022