



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2242 of 2022

Neela

... Petitioner

Vs.

The State Represented by,
Inspector of Police,
Ammamet Police Station,
Salem City.
Crime No.756 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.756 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.Sudhakaran
for M/s. R.Sindhu

For Respondent : Mr. N.S.Suganthan
Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC, in Crime No.756 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant (Village Administrative Officer) gave a complaint before the Law Enforcing Agency that the petitioner had illegally quarried the stone beyond the limit as prescribed in the lease agreement. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the



petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.5,00,000/- (Rupees Five Lakh only) to the credit of the Crime Number 756 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner with any conditions.

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4. The learned Government Advocate (Crl.Side) submits that the investigation almost completed and further submitted that the petitioner had caused huge loss to the Government worth about Rs.5 lakhs. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the First Information Report.

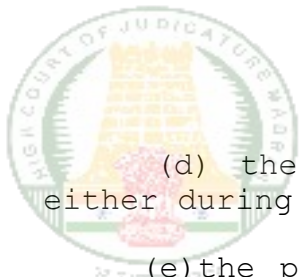
6. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall file an affidavit before the trial Court that he would do quarry work only in limit as prescribed and not in the other Government lands.

7. Accordingly, the petitioner is directed 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.V, Salem District on condition that the petitioner 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 petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakh Only) each to the credit of Crime Number 756 of 2021 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.V, Salem District On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the the amount of Rs.5,00,000/- was deposited by the petitioner to the credit of Crime Number 756 of 2021 within a period of two weeks;

(b) the petitioner and 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 appear before the respondent police 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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/02/2022

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.V, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.SINDHU Advocate on payment of necessary charges
SR.No.1653

CRL OP.2242/2022

Date :01/02/2022

CSK 10/02/2022