



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25669 of 2021

Siva ... Petitioner

Versus

State Rep by ... Respondent
The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri district.
(Crime No.344 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.344 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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

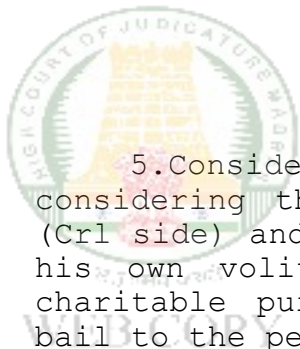
ORDER

The petitioner who apprehends arrest for the alleged offence under Section 379 of IPC in Crime No.344 of 2021 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally transported two pieces of granite stones worth about Rs.1,42,730/- each without any permit. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl side) appearing for the respondent submitted that the petitioner had illegally transported two pieces of granite stones without any valid permit.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl side) and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 - I, Krishnagiri, 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 make a non-refundable deposit of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800

(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 Tuesday 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 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.

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-sd/-
19/01/2022

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-I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE KAAKKUM KARANGAL OLD
AGE HOME, 89/47, SANTHOME HIGH ROAD,
SANTHOME, CHENNAI-600 028.
A/c No.000101219273, ICICI Bank,
Santhome Branch, IFSC Code:ICIC0003432,
MICR Code:600229120, Swift Code: ICICINBBXXX,
Mobile No.9840068800.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.25669/2021

Date :19/01/2022

CSK 31/01/2022