



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

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

Cr1.O.P.No.26055 of 2021

1. Manoharan
2. Sathya

... Petitioners

Vs.

State; represented by
The Inspector of Police
Namakkal Police Station,
Namakkal District
(Crime No.1862 of 2021)

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.1862 of 2021 on the file of the Inspector of Police, Namakkal Police Station, Namakkal District.

For Petitioners : Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

(The 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 Section 379 IPC in Crime No.1862 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.12.2021, when the respondent police were on the regular checking of vehicles, they found that the petitioners had illegally transported 1½ units of kaddakkal karungal (stones used for foundation work of building) by using mini lorry without any valid licence. Hence the complaint.



3. The learned counsel appearing for the petitioners submits 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/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the petitioners had illegally transported 1½ units of kaddakkal karungal (stones used for foundation work of building) by using mini lorry without any valid licence.

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.1, Namakkal on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 Clerks Association, Namakkal District 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 on 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/-
04/01/2022

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, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, NAMAKKAL DISTRICT.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
WEB COPY

CRL OP.26055/2021

Date :04/01/2022

JPA 10/01/2022