

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

CrI.O.P.No.6969 of 2020

1.Anandaraj
2.Mahendiran

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Manalmedu Police Station,
Manalmedu, Nagapattinam District.
(Crime No.80 of 2020) Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.80 of 2020 on the file of the Respondent.

For Petitioners: Mr.M.C.T.Saravanan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 09.03.2020 for the offence punishable under Sections 379 & 430 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.80 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners illegally transported the sand in Tractor for commercial purpose without obtaining proper license from the Government. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. The petitioners are falsely implicated in the present case. Further, he would submit that the petitioners were in judicial custody from 09.03.2020 and seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners transmitted Sand in Tractor without prior permit. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen from the records that this Court by an order dated 26.03.2020 had released the petitioner on interim bail till 27.04.2020 on executing own bond for a sum of Rs.10,000/- before the Superintendent of the prison concerned and directed to list the case for further orders on 20.04.2020, that is the reason the present case has been posted today. Considering the submissions and since the petitioners are already been granted interim bail, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:

a) the petitioners shall deposit a sum of Rs.5,000/- each (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/c No.149710011005477) and on such deposit, the petitioners are ordered to be released on bail.

(a) the petitioners shall execute two sureties each for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the petitioners shall produce the proof for a payment of sum of Rs.5,000/- each (Rupees five thousand only) while executing the sureties;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/06/2020

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, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, MAYILADUTHURAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
MANALMEDU, NAGAPATTINAM DISTRICT.

6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI-600 020 (BANK: ANDHRA BANK,
MADHYA KAILAH, SB A/C NO.149710011005477)

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

CRL OP.6969/2020

Date :10/06/2020

TA-23/09/2020