

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.6998 of 2020

Suresh @ Jalli,
S/o.Gurunathan,
No.4 west Street,
Kuttalam Taluk,
Nagapattinam District.

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kuttalam Police Station,
Nagapattinam District.
(Crime No.346 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.346 of 2018 on the file of the Respondent Police.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 05.03.2020 for the offence punishable under Sections 379 and 430 IPC read with Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.346 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has transported 1/2 unit of sand illegally without obtaining proper license in his motorcycle. 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 petitioner is a breadwinner of his family and he is hailing from a responsible family. Further, he would submit that the petitioner was in judicial custody from 05.03.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transmitted 1/2 unit of River sand in his motorcycle 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen 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 petitioner is ordered to be released on bail;

(b) the petitioner shall execute two sureties 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;

(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 petitioner shall report before the respondent police as and when required for interrogation.

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

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

(g) the petitioner 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 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];

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

M.NIRMAL KUMAR, J.

rst

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

10.06.2020

rst
To

1. The learned Judicial Magistrate No.I, Mayiladuthurai.
2. The Inspector of Police,
Kuttalam Police Station,
Nagapattinam District
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Sub Jail, Mayiladuthurai.

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