

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Cr1.O.P.No.7125 of 2020

Saravana Kumar

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.49 of 2020) Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.49 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 09.03.2020 for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.49 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.03.2020, the defacto complainant, who is the Assistant Director, Mines and Minerals, Nagapattinam, conducted routine check up at Keezhaiyur Kadaitheru, at that time a terrace lorry owned by the petitioner bearing Registration No.TN-49-AD-4993 was transported with four unit of sand illegally without obtaining proper licence. Therefore, the lorry was seized and the petitioner was arrested and remanded to judicial custody. 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. He would submit that the petitioner had only carried four unit of savudu sand from private property. Despite the petitioner explaining the same to the respondent, he was arrested. Further, he would submit that the petitioner was in

judicial custody from 09.03.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transported four unit of sand in his lorry without prior permit. Hence, he vehemently opposed for grant of bail to the petitioner.

5. This Court by order dated 26.03.2020 released the petitioner on interim bail till 27.04.2020 by executing the own bond of Rs.10,000/- before the Superintendent of District Jail concerned and directed the Registry to post the matter before this Court for further orders on 20.04.2020. Hence, the matter came to be listed today before this Court. In view of the fact that the petitioner was already granted interim bail, this Court is inclined to grant bail to the petitioner and confirms the interim bail granted to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.40,000/- (Rupees forty 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 produce the proof of the same by executing surety.

(b) it is seen that the petitioner had already executed own bond for Rs.10,000/- before the Superintendent of District Jail, Nagapattinam and came out on bail as per earlier order of this Court dated 26.03.2020. Therefore, the petitioner is exempted from executing new bond for granting bail;

(c) 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;

(d) 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;

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

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

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

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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]**;

(j) 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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM.

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

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.7125/2020

Date :10/06/2020