

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.06.2020

CORAM

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

Crl.O.P.No.7155 of 2020

Gurumoorthy,
S/o.Packirisamy,
Manaveli Theru,
Perunthottam,
Nagapattinam District.

... Petitioner

Vs.

State represented by
The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.
(Crime No.47 of 2020)

... Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the
Petitioner on bail in Crime No.47 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Sundar Pandian

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on
04.03.2020 for the offences punishable under Sections 379 and 430 IPC r/w

Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.47 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.03.2020, the respondent police, while patrolling, the petitioner herein, was driving a tractor bearing Registration No.TN 82 X 8699 and transported one unit sand without prior permission 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. He would submit that the petitioner had only carried one unit of savudu sand from his owner's patta land for the agricultural purpose. Despite the petitioner explaining the same to the respondent, he was arrested. Further, he would submit that the petitioner was in judicial custody from 04.03.2020 and seeks bail for the petitioner.

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

5. This Court, by order dated 27.03.2020, has granted interim bail to the petitioner till 28.04.2020 on he executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioner has been confined and thereafter, posted the case to be listed on the second week of June.

6. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner has already been granted interim bail by this Court on 27.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten 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.

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

10.06.2020

nsd

To

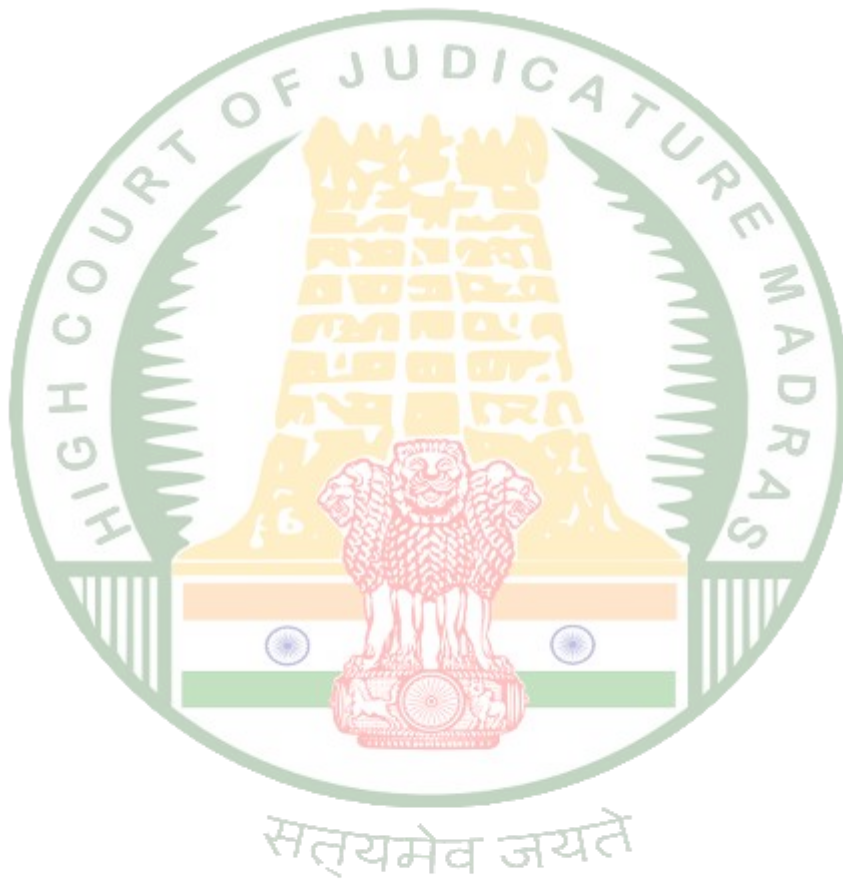
1.The District and Sessions Judge,
Nagapattinam.

2.The Judicial Magistrate,
Sirkali.

3.The Superintendent of Prison,
Sub-Jail,
Sirkali.

4.The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.

5.The Public Prosecutor,
Madras High Court,
Chennai.



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M.NIRMAL KUMAR, J.

nsd



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