

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.OP.No.7207 of 2020

Gopinath
Petitioner

...

The State Represented by
The Inspector of Police,
Vettaikaraniruppu,
Nagapattinam District,
Respondent

...

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.29 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner who has been arrested under section 379 of IPC r/w 21(1) Tamil Nadu Mines and Minerals (Development and Regulation) Act 1957 in Crime No.29 of 2020 on the file of the respondent police, seeks bail.

2.This Court by an order dated 09.04.2020, has granted interim bail to the petitioner till 30.04.2020. Now the petitioner seeks extension of interim bail. On 03.06.2020, this Court has directed the respondent to verify whether the amount of Rs.40,000/- (Rupees Forty thousand only) as directed by an order dated 09.04.2020 has been paid to the Chairman, District Minerals Foundation Trust, Nagapattinam District. It is submitted that on payment of the said amount of Rs.40,000/- only, the petitioner was released from the prison.

3.In view of the same, this Court is inclined to grant regular bail to the petitioner with the following conditions in addition to the earlier conditions imposed by this Court by an order dated 09.04.2020.

(a) The petitioner to produce the copy of the receipt for making payment of Rs.40,000/- to the credit of the Chairman, District Minerals Foundation Trust, Nagapattinam, while executing sureties before the concerned Court.

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each, before the concerned Magistrate. These sureties should be executed within 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;

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

(f) The petitioner shall not tamper with evidence or witness either during investigation or trial;

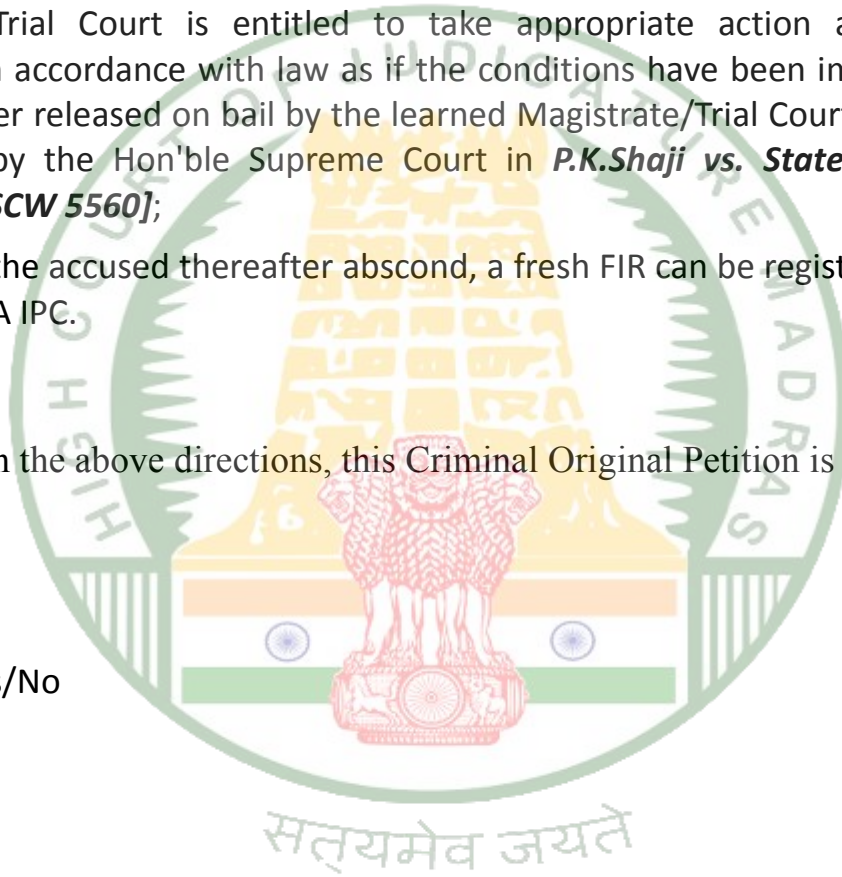
(g) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

(h) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

08.06.2020

Internet: Yes/No
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M.NIRMAL KUMAR., J.

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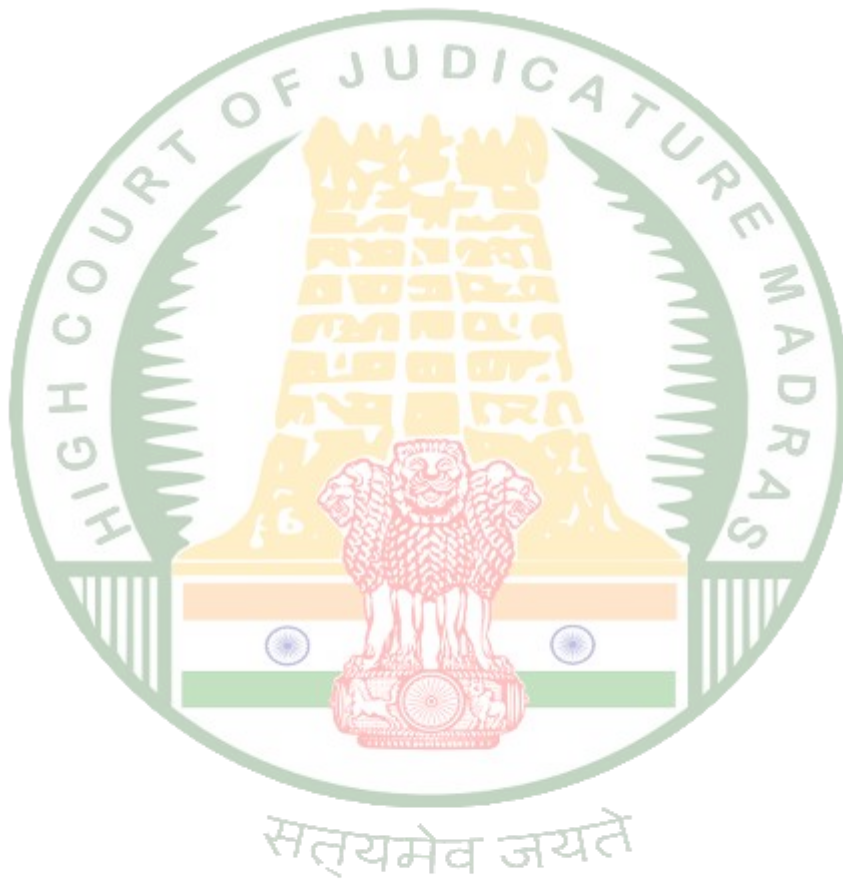
1. The District Munsif cum Judicial Magistrate,
Nagapattinam.

2. The Superintendent,
District Prison, Nagapattinam.

3.The Inspector of Police,
Vettaikaraniruppu,
Nagapattinam District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7207 of 2020



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