

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7232 of 2020

Kannan

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai, Nagapattinam. Dt.
Cr.No.287 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.287 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.04.2020 for the offence punishable under Sections 379 & 430 IPC and 21(1) of Mines & Minerals (Development & Regulation) Act in Crime No.287 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had transported one unit of sand without any valid licence. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only driver of the vehicle and he is not committed any offence as alleged by the prosecution. On instructions, he would further submit that the petitioner in order to show his bonafide, is ready and willing to deposit a sum of Rs.15,000/- to the Chief Minister Public Relief Fund. He also submitted that the petitioner has been suffering incarceration from 06.04.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that there are totally two accused in this case in which, the petitioner is arrayed as A2. He further submitted that the quantity of sand is involved is one unit. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 06.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] 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/-
05/05/2020

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 CHIEF MINISTER PUBLIC RELIEF FUND,
TAMILNADU.

2 THE JUDICIAL MAGISTRATE-I,
MAYILADUTHURAI.

3 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE OFFICER INCHARGE
SUB-JAIL, MAYILADUTHURAI.

CC to MR.C.T.SARAVANAN, Advocate on payment of necessary
charges

CRL OP.7232/2020

Date :05/05/2020

TA-17/06/2020



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