

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7250 of 2020

1. Palani
2. Manikandan

...Petitioners

Vs.

State rep. by its
The Inspector of police
Arcot Town Police Station
Ranipet District.
(Cr.No.176/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Cr.No.176 of 2020 on the file of the Inspector of Police, Arcot Town Police Station, Ranipet District.

For Petitioners : M/s. S.Sivaranjani

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.03.2020 for the offence punishable under Section 294 (b), 353, 379, 430, 307, 392 of IPC and 21(1) M&M (D&R) Act, 1957 in Crime No.176 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners transported six units of river sand without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in the above alleged offence and they have been falsely implicated in this case. On instruction, he submitted that in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.50,000/- each, to the Chief Minister Public Relief Fund. He further submitted that the petitioners are in judicial custody from 18.03.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the quantity of sand involved is six units. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 18.03.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) each, to the Chief Minister Public Relief Fund, and on such deposit the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison;

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

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

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(g) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
06/05/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARCOT TOWN POLICE STATION,
RANIPET DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

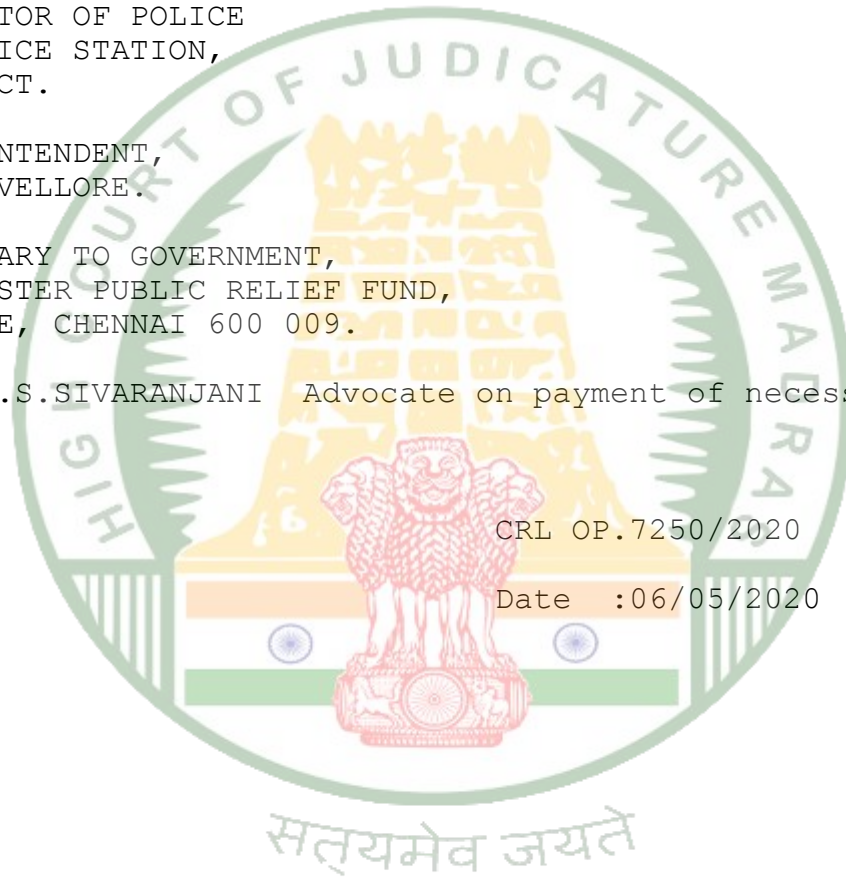
6 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI 600 009.

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

CRL OP.7250/2020

Date :06/05/2020

TA-30/07/2020



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