

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7268 of 2020

Murugananthamm,
S/o.Detchanamoorthy,
No.Keezhapalla Kollai,
Tharangambaddi – taluk,
Nagapattinam District

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District,
Cr. No.141 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.141 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Kathiravan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.03.2020 for the offence punishable under Sections 379 & 430 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.141 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner transported river sand illegally by using a TATA Ace without any proper bill. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. On instruction, it is submitted that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the Chief Minister Public Relief Fund. Further he submits that the petitioner is in judicial custody for the past four months and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the quantity of sand involved is ½ unit and the same was recovered. He further submitted that the investigation is pending. Hence, he vehemently 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 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.5,000/- (Rupees five thousand only) to the Chief Minister Public Relief Fund, 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.

04.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The District and Sessions Judge
Nagapattinam

2. The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent,
Sub Jail, Poraiyar



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Crl.O.P.No.7268 of 2020

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.7268 of 2020

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