

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7286 of 2020

Nedumaran

...Petitioner

Vs.

State rep. by its

...Respondent

The Inspector of Police,
Perambur Police Station,
Nagapattinam District.
Crime No.163 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.163 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Gopinath

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2020 for the offence punishable under Sections 379, 430 of IPC r/w 21(1) Mines and Minerals (Development & Regulation) Act in Crime No.163 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported one unit of river sand illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instruction,

he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.15,000/- to the Chief Minister Public Relief Fund. Hefurther submits that the petitioner is in judicial custody from 05.04.2020 onwards. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner was found to be illegally transporting one unit of river sand. He further submitted that there is no previous case as against this 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 05.04.2020, 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/-

08/05/2020

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 DISTRICT AND SESSIONS JUDGE,
NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
NAGAPATTINAM DISTRICT.

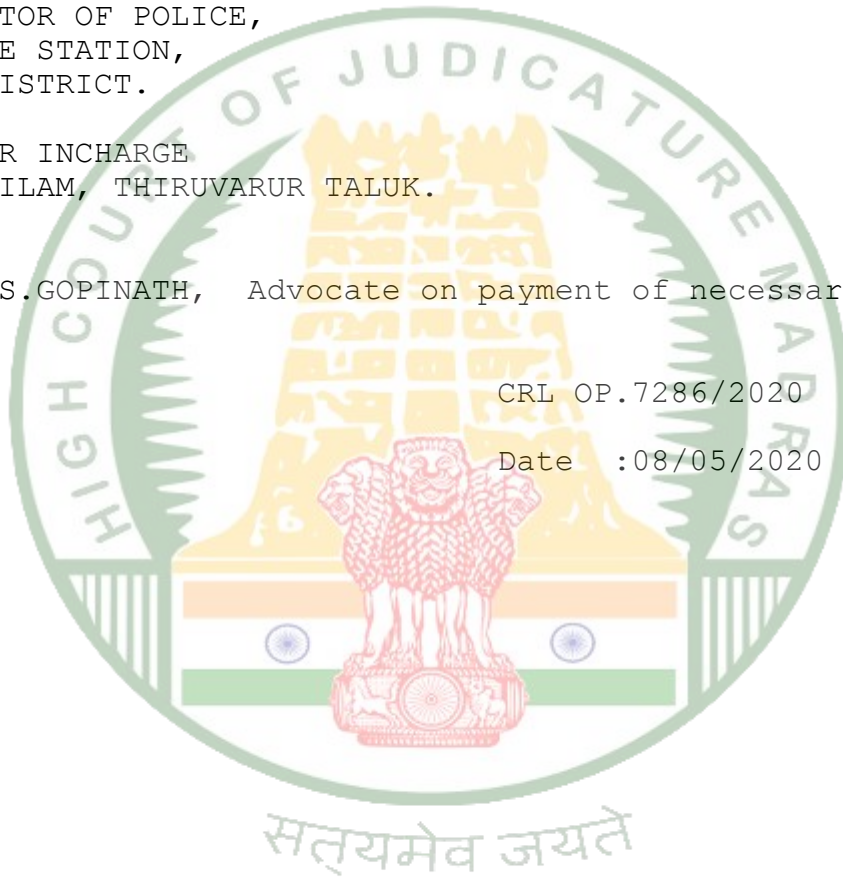
5 THE OFFICER INCHARGE
SUB-JAIL, NANNILAM, THIRUVARUR TALUK.

CC to MR.S.GOPINATH, Advocate on payment of necessary charges

CRL OP.7286/2020

Date :08/05/2020

TA-15/06/2020



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