

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7288, 7295, 7296 & 7297 of 2020

1.Kumar	... Petitioner in Crl.OP.No.7288 of 2020
2.Elavarasan	... Petitioner in Crl.OP.No.7295 of 2020
3.Mathavan	... Petitioner in Crl.OP.No.7296 of 2020
4. Ezhilarasan	... Petitioner in Crl.OP.No.7297 of 2020

Vs.

The Inspector of Police, (Law & Order) ... Respondent in all
Peralam Police Station Crl.O.P.s
Tiruvarur.
Crime No.199 of 2020.

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.199 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Kathiravan
in all Crl.O.Ps

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor
in all Crl.O.Ps

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.04.2020 for the offence punishable under Sections 147, 148, 294(b), 353, 506(ii), 430 and 379 of I.P.C 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act,1957 in Crime No.199 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.04.2020, the petitioners committed theft of River sand of 1 unit in tractor along with 4 others and when the defacto complainant questioned the petitioners and others whether they have permitted to take sand from the river, the petitioners threatened the defacto complainant with dire consequences and prevented him from discharging his duty. The petitioners and others then left the vehicle along with one unit of sand.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. On instruction, it is submitted that in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.10,000/- each to the Chief Minister Public Relief Fund. Further he submits that the petitioners are in judicial custody for the past one month 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 one unit and they also threatened the respondent Police. He further submitted that the investigation is pending. Hence, he vehemently 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 02.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten 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.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, all the Criminal Original Petitions are ordered.

-sd/-
04/05/2020

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 PRINCIPAL SESSIONS JUDGE,
TIRUVARUR.

2 THE SUPERINTENDENT
THIRUTHURAIPOONDI SUB JAIL, TIRUVARUR
DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (LAW AND ORDER),
PERALAM POLICE STATION,
TIRUVARUR.

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

CC to M/S. K.J.SARAVANAN Advocate on payment of necessary charges

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Date :04/05/2020

TA-01/07/2020