

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7350 of 2020

Balamurugan

...Petitioner

Vs.

The State Rep. By
Inspector of Police
Thiruthuraipoondi Police station,
Thiruvarur District
Crime NO:392 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.392 of 2020 on the file of the Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.04.2020 for the offence punishable under Section 379 of I.P.C read with 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.392 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner 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 has not involved in the above alleged offence and he has been falsely implicated in this case. On instruction, he submitted 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. He further submitted that the petitioner is in judicial custody from 07.04.2020 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 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 07.04.2020, 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, 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 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, 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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUTHURAIPOONDI.

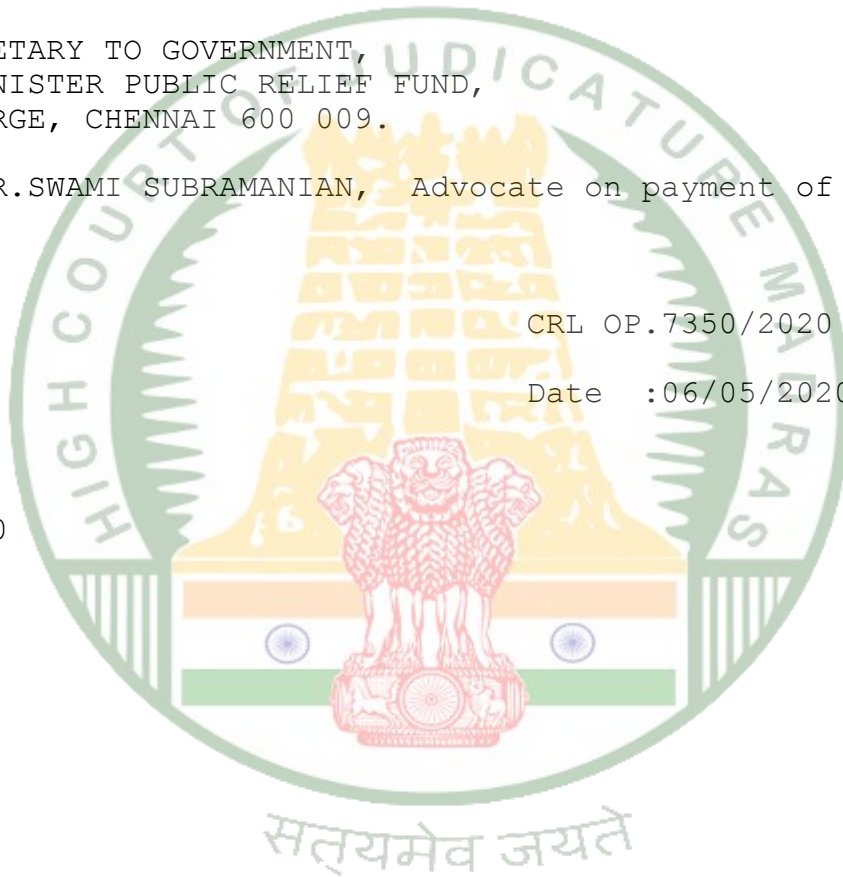
6 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI 600 009.

CC to MR.SWAMI SUBRAMANIAN, Advocate on payment of necessary
charges

CRL OP.7350/2020

Date :06/05/2020

TA-13/07/2020



WEB COPY