

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7538 to 7541 of 2020

Gunaseelan ... Petitioner in
Crl.O.P.No.7538 of 2020

Srikanth ... Petitioner in
Crl.O.P.No.7539 of 2020

Karthikeyan ... Petitioner in
Crl.O.P.No.7540 of 2020

Regupathi ... Petitioner in
Crl.O.P.No.7541 of 2020

Vs.

The State Rep. By
Inspector of Police,
Kottur Police Station,
Thiruvarur District.
Crime No: 485 of 2020.

... Respondents in all the petitions

Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.485 of 2020 on the file of the respondent police.

For Petitioners : Mr.Swami Subramanian
(in all the petitions)

For Respondent : Mr.M.Mohammed Riyaz,
(in all the petitions) Additional Public Prosecutor

C O M M O N O R D E R

The petitioners, who were arrested and remanded to judicial custody on 24.04.2020 for the offences punishable under Section 379 of IPC r/w. 21(b) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.485 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are alleged to have transported one unit of vandal sand illegally in a Tractor. 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 are no way connected with the offence as alleged by the prosecution. However, on instructions, he would submit that in order to show his bona fide, the petitioners are ready and willing to deposit a sum of Rs.20,000/- jointly, to the Chief Minister Public Relief Fund. Further he submits that the petitioners are in judicial custody from 24.04.2020 onwards and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioners transported one unit of vandal sand illegally. He further submitted that the petitioners have no previous case and the investigation is still 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 24.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall deposit jointly a sum of Rs.20,000/- (Rupees twenty thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit the petitioners are 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) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioners shall not abscond either during investigation or trial.

(f) 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/05/2020

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,
NO.II, MANNARGUDI, TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
KOTTUR POLICE STATION
THIRUVARUR DISTRICT

5 THE SUPERINTENDENT,
SUB JAIL, MANNARGUDI

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

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

CRL OP.7538/2020

Date :13/05/2020

RVR 03/08/2020