

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7542 of 2020

Manikandan

... Petitioner

Vs.

The State Rep. By  
Inspector of Police,  
Muthupettai Police Station,  
Thiruvarur District.  
Crime No: 1041 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.1041 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 03.05.2020 for the offences punishable under Section 379 of IPC r/w. 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.1041 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 has not involved in the above alleged offence and he is 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 petitioner is ready and willing to deposit a sum of Rs.15,000/- to the Chief Minister Public Relief Fund. Further he submits that the petitioner is in judicial custody from 03.05.2020 onwards and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner transported one unit of river sand illegally. He further submitted that the investigation is still 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 03.05.2020, 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) thereafter, the petitioner 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 petitioner 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 petitioner shall not abscond either during investigation or trial.

(f) the petitioner 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 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].

(h) 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/-

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,  
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
MUTHUPETTAI POLICE STATION,  
THIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,  
DISTRICT PRISON, NAGAPATTINAM

COPY TO:

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

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.7542/2020

Date :13/05/2020

RVR 03/08/2020

WEB COPY