

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7742 of 2020

Vinoth

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District,
Cr. No.447 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.447 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 04.05.2020 for the offence punishable under Sections 379 & 430 of IPC and 21(1) of Mines & Minerals (Development & Regulation) Act in Crime No.447 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had 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 did not commit any offence as alleged by the prosecution. On instruction, he would submit that the petitioner in order to show his bonafide, is ready and willing to deposit a sum of Rs.10,000/- to the Chief Minister Public Relief Fund. He would also submit that the petitioner is in judicial custody from 04.05.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transported one unit of river sand without any valid licence. Hence, he opposed for the 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 04.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- * **(Rupees ten 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 01. 07.2020, 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.

[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/-

21/05/2020

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.

***Corrected as per order of this Court dated 23.05.2020.**

TO

1 THE DISTRICT AND SESSIONS
JUDGE, NAGAPATTINAM

2 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
MANALMEDU POLICE STATION
NAGAPATTINAM DISTRICT

5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM

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

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

CRL OP.7742/2020

Date :21/05/2020

RVR 24/08/2020

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