

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7606 of 2020

Raja

... Petitioner

Vs.

The State Rep. By

The Inspector of Police
Kuttalam Police station,
Nagapattinam District.

Crime No: 518 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.518 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Kathiravan.

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 29.04.2020 for the offence punishable under Sections 379, 430 of IPC r/w 21(1) of Mines and Minerals (Regulation and Development) Act, in Crime No.518 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 and half units of river sand without any valid licence or permit. 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.25,000/- to the Chief Minister Public Relief Fund. Further he submits that the petitioner is in judicial custody from 29.04.2020 onwards and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner has transported one and half units of river sand illegally. He further submitted that no previous case is pending and also 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 29.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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. and 5.30 p.m., from 01.06.2020, until further orders.

(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/-
15/05/2020

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,
NAGAPATTINAM.

2 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI.

3 THE SUPERINTENDENT,
DISTRICT PRISON,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KUTTALAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.7606/2020

Date :15/05/2020

MK:30/06/2020

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