

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.05.2020

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THE HONOURABLE MR. JUSTICE **M. NIRMAL KUMAR**

CrI.O.P.No.7831 of 2020

Sivakumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.
(Crime.No.424/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail in the Crime No.424/2020 on the file of the Respondent police.

For Petitioner : Mr.V.Sakkarapani

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

ORDER

The petitioner was arrested and remanded to judicial custody on 02.05.2020 for the offence punishable under Section 379 & 430 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.424 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.05.2020, when the respondent police was on duty, they received a secret information of sand theft. Based on the information, the respondent police along with its party went to Kollidakarai, Rajasuriyanpettai, for raid. At the time, the petitioner came in a bullock cart and the respondent police stopped the same and searched and they found ½ unit of river sand in the said bullock cart. Immediately, the respondent police was arrested the petitioner. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submits that the petitioner did not involve in the above offence as alleged by the prosecution and he is no way connected with the offence. He has been falsely implicated in this case. Hence, he prays for bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner was found ½ unit of river sand in the bullock cart. He opposed for grant of bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made on either side and also taking note of the fact that the period

of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, 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, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(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 not commit any offences of similar nature;

(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) the petitioner shall report before the respondent as and when required for interrogation.

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

M.NIRMAL KUMAR, J.

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(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.05.2020

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

To

1.The Judicial Magistrate No.I,
Mayiladuthurai.

2.The Central Prison,
Trichy.

3.The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.

4.The Public Prosecutor,
High Court, Madras.



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