

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2020

CORAM

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

Crl.O.P.No.7861 of 2020

Mohan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Manalmedu Police Station,

Nagapattinam District,

Cr. No.427 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.427 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Selvaraju

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

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2020 for the offence punishable under Sections 379 & 430 of IPC r/w

21(1) of Mines & Minerals (Development & Regulation) Act in Crime No.427 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had transported two unit of Kollidam 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. The petitioner has got no bad antecedents and he is in judicial custody from 02.05.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner transported two unit of Kollidam sand without any valid licence. He admits there is no previous case against the petitioner. 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 02.05.2020, this Court is inclined to grant bail to the

petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.20,000/-(Rupees Twenty thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020, Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477), 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.

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

ssb

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To

1. The District and Sessions Judge,
Nagapattinam.

2. The Judicial Magistrate Court No.1,
Mayiladuthurai.

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

4. The Public Prosecutor,
High Court, Madras.

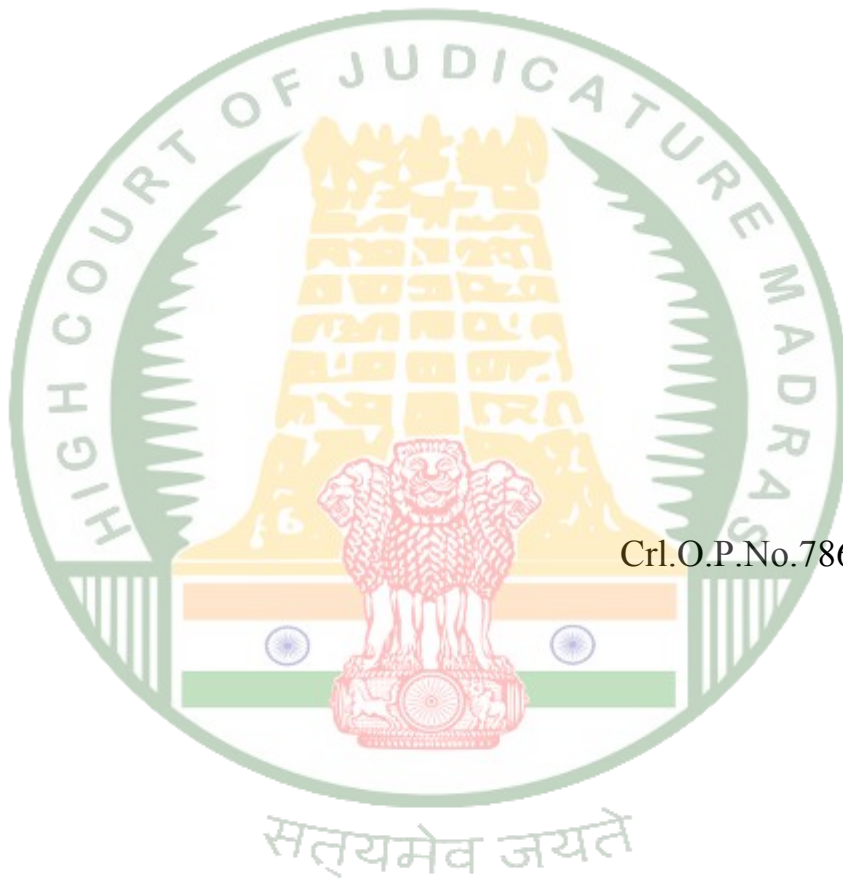
5. The Superintendent,
District prison, Nagapattinam.



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M.NIRMAL KUMAR, J.

ssb



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