

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

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

CRL.O.P.No.7967 of 2020

Saran

... Petitioner

Vs.

The State rep.by
Inspector of Police,
Kottur Police Station,
Thiruvarur District.
Crime No.650 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail in Crime No.650 of 2020 on the file of the Inspector of Police, Kottur Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2020 for the offences punishable under Sections 379 of IPC and 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.650 of 2020 on the file of the respondent police, seeks bail.

2. The petitioner is arrayed as A-2 in this case. The case of the prosecution is that on 17.05.2020 at about 10.00 a.m., the de-facto complainant /Sub Inspector of Police attached to the respondent police was on patrol duty. On secret information he found that the petitioner along with other accused have illegally transported one unit of river sand from the river bed in a Mahendra Tractor bearing Registration No.TN-50 U 7385 without any permission or order from the Government. Thereafter, the respondent police seized the vehicle and arrested the petitioner along with the other accused persons. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.5,000/- to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the quantity of river sand involved is one unit in a Mahendra Tractor bearing

Registration No.TN-50 U 7385 without any permission or order from the Government and the same was recovered. He would further submit that the respondent police seized the vehicle and arrested the petitioner along with the other accused persons. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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 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, 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) each, 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 report before the respondent police as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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]***.

(i) 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.

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28.05.2020

Internet : Yes / No

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate No.II, Mannargudi, Thiruvarur District.
2. The Sub Jail, Mannargudi.
3. The Inspector of Police, Kottur Police Station, Thiruvarur District.
4. The Public Prosecutor, High Court, Madras.



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