

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7992 of 2020

V.Sundaramoorthy

... Petitioner

-Vs-

State rep. by,
Inspector of Police,
Peralam Police Station,
Tiruvarur District.
(Crime No.959 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.959 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Padmanaban

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under Sections 379 and 430 IPC, in Crime No.959 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

carried half unit of sand in his bullock cart without any valid licence. On seeing the respondent police, the petitioner tried to escape from the place and the respondent police chased and arrested the petitioner. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. Further, he would submit that there is no previous case against the petitioner and he is in judicial custody from 15.05.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transmitted half unit of sand in his bullock cart without prior permit. 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 15.05.2020, this Court is inclined to grant bail to the

petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Bank: Andhra Bank, Madhya Kailash, 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 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]*;

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

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Index: Yes/No

Speaking Order: Yes/No

To

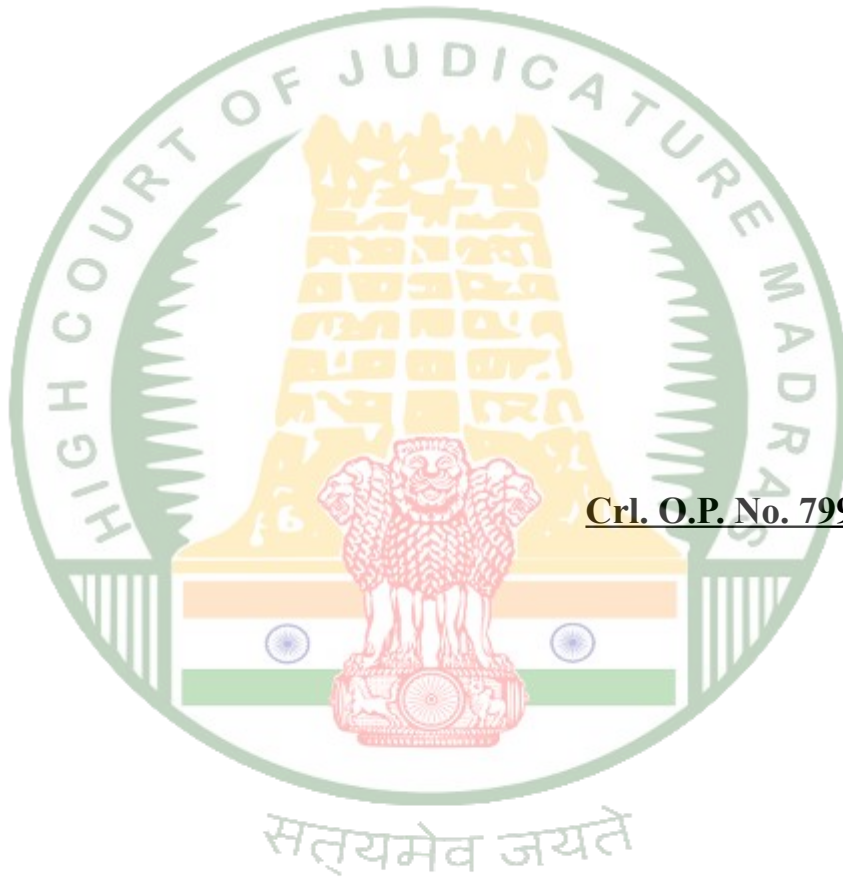
1. The District Munsif-cum-Judicial Magistrate,
Nannilam, Thiruvarur District.
2. The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
3. The Superintendent,
Sub Jail,
Nannilam.
4. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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M. NIRMAL KUMAR, J.

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