

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7993 of 2020

Vimalraj

... Petitioner

-Vs-

State rep. by,
Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
(Crime No.430 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.430 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2020 for the offence punishable under Sections 379 of IPC and 21(1) of

Mines and Minerals (Development and Regulation Act), in Crime No.430 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 transmitted one unit of Savudu Sand in Tractor bearing registration No.TN 51 S 7538 without any valid licence.

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 the petitioner is in judicial custody from 29.04.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transmitted one unit of Savudu sand 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 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.10,000/-(Rupees Ten 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.

29.05.2020

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Index: Yes/No

Speaking Order: Yes/No

To

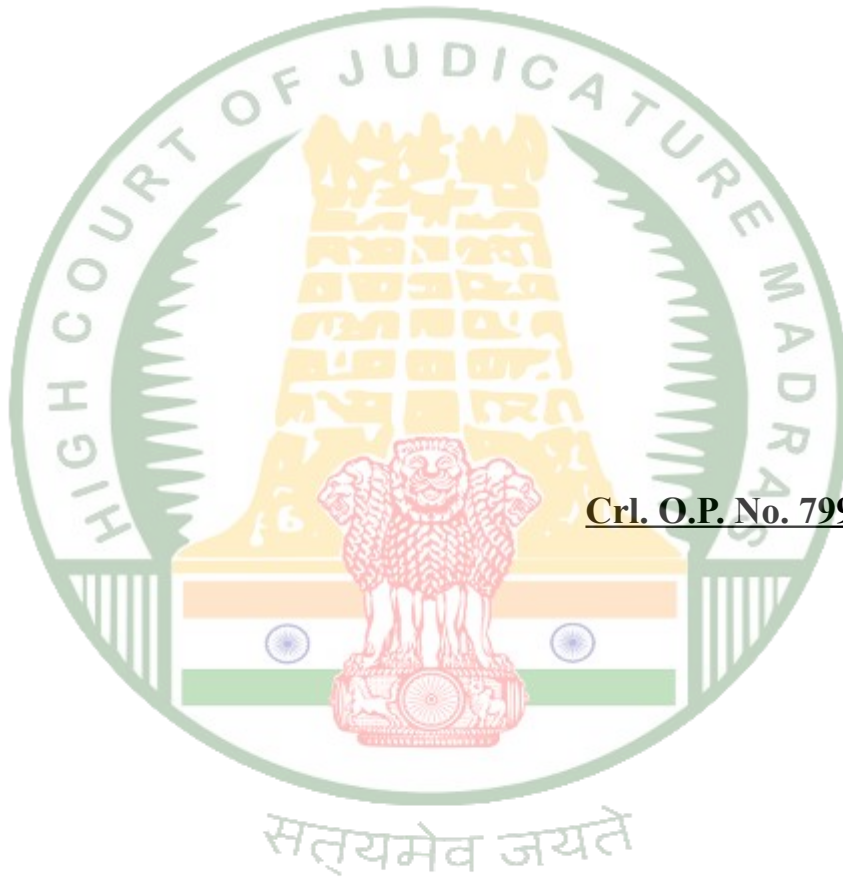
1. The District Munsif-cum-Judicial Magistrate,
Tharangambadi.
2. The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
3. The Superintendent,
Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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M. NIRMAL KUMAR, J.

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