

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7994 of 2020

1.Latheepkhan
2.Hussain Khan
3.Krishnan
4.Selvamurugan

... Petitioners

-Vs-

State rep. by,
Inspector of Police,
Anaikaranchatram Police Station,
Nagapattinam District.
(Crime No.438 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.438 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Chinnaraj

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.05.2020 for the offence punishable under Sections 379, 465, 468, 420 of

IPC and 21(1) of Mines and Minerals (Development and Regulation Act), 1957, in Crime No.438 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are alleged to have transported 2½ units of Savudu Sand (each) in four Tipper Lorries bearing registration Nos.TN 31 BX 0997, TN 21 AH 5404, TN 31 BY 0275 and TN 69 Q 5961 without any valid licence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in any offence as alleged by the prosecution. Further, he would submit that the petitioners are in judicial custody from 14.05.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that each of the petitioner transported 2½ units of Savudu sand in Tipper Lorries bearing registration Nos.TN-31-BX-0997, TN-21-AH-5404, TN-31-BY-0275 and TN-69-Q-5961 without prior permit. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the

petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 14.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) each of the petitioner shall deposit a sum of Rs.6,500/-(Rupees Six Thousand and Five Hundred only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/c.No.149710011005477) (in total $6,500 \times 4 = \text{Rs.}26,000/-$) and on such deposit the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioners have been confined, on their release;

(b) each of 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 petitioners shall report before the respondent police as and when required for interrogation.

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

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

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
Anaikaranchatram Police Station,
Nagapattinam District.
3. The Superintendent,
Sub Jail,
Sirkazhi.
4. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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M. NIRMAL KUMAR, J.

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