

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P. No. 8128 of 2020

Manikandan

.. Petitioner

Vs

The State Represented by
The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
Crime No.1036 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.1036 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

The petitioner was arrested and remanded to judicial custody on
22.05.2020 for the offence punishable under Sections 430 and 379 of
IPC and Sections 21 (1) & 4(1)(1A) of Mines and Minerals (Development
and Regulation) Act, 1957 in Crime No.1036 of 2020 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had
transported 3 units of river sand by using Ashok Leyland U Truck
Lorry, bearing Registration No.TN 47 AT 3633, without any valid
licence. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he has been falsely
implicated in this case. The learned counsel further submitted that
without prejudice to his defence, the petitioner is prepared to
deposit a considerable amount to any charitable organization. He
would further submit that the petitioner has been suffering
incarceration from 22.05.2020. Hence, he prays to grant bail to the
petitioner.

4. The learned Additional Public Prosecutor submits that the
petitioner has illegally transported 3 units of river sand. He would
further submit that there is no previous case pending as against the
petitioner. However, he opposed for grant bail to the petitioner.

5. Taking into consideration the facts of the case and there is no previous case as against the petitioner and the petitioner has also come forward to deposit a considerable amount to any charitable organization, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thrity thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, and on such deposit and also on production of proof, 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 and on his release;

(b) the petitioner shall execute one surety for a sum of Rs.10,000/- (Rupees Ten thousand only), before the concerned Magistrate on or before 04.07.2020, 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ASSISTANT SESSIONS JUDGE
THIRUVARUR.

2 THE JUDICIAL MAGISTRATE,
NANILLAM.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

4 THE OFFICER INCHARGE
SUB-JAIL, THARANGAMPADI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
NANILLAM POLICE STATION,
THIRUVARUR DISTRICT.

7 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020,
BEARING A/C NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

CC to Mr.T.Muruganantham Advocate on payment of necessary charges

CRL OP.8128/2020

Date :05/06/2020