

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2020

CORAM :

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

CrI.O.P.No.8129 of 2020

Manivannan
S/o.Marimuthu

.. Petitioner

/versus/

State rep. by
The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
Crime No.694 of 2020

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to enlarge the petitioner on bail in the event of his arrest in Crime No,694 of 2020 on the file of the Inspector of Police , Kottur Police Station, Thiruvarur District.

For petitioner : Mr.Swamisubramanian

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.05.2020 for the alleged offences punishable under Sections 379 and 430 of IPC in Crime No.694 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had transported 1 unit of river sand by using Tata Ace without any valid license. Hence the complaint.

3. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the Petitioner, the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand and he would submit that there is no previous case against the petitioner. On instruction, he would further submit that the petitioner is prepared to deposit an amount of Rs.10,000/- as non refundable deposit to the credit of concerned District/Taluk Legal Services Authority and prayed for grant of Bail.

5. On the other hand, the learned Additional Public Prosecutor, while opposing to grant bail, would submit that the Petitioner along with other had transported 1 unit of river sand. Hence, he opposed for the grant of bail to the petitioner.

6. In view of the fact that there is no previous case against the petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non refundable deposit to the credit of the concerned District/Taluk Legal Services Authority without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking note of the facts and circumstances, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of the concerned District/Taluk Legal Services Authority and 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) Thereafter the petitioner shall execute one surety for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 03.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

[a] the petitioner and the surety shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of the concerned District/Taluk Legal Services Authority.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/06/2020

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 JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

6 THE DISTRICT/TALUK LEGAL SERVICE AUTHORITY,
THIRUVARUR.

CC to Mr.Swamisubramanian Advocate on payment of necessary charges