

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM:

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

CrI.O.P. No. 8131 of 2020

1. Sudhan
2. Ranjith

.. Petitioners

Vs

State Represented by
The Inspector of Police,
Aanaikkaranchathiram Police Station,
Nagapattinam District.
Crime No.446 of 2020 .. Respondent

Prayer :- Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioners on bail in Crime No.446 of 2020 pending
investigation on the file of the respondent police.

For Petitioners : Mr.Om Sai Ram

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

The petitioners were arrested and remanded to judicial custody on
16.05.2020 for the offence punishable under Sections 379 & 430 of IPC
and Section 21(1) of Mines and Minerals (Development and Regulation)
Act, in Crime No.446 of 2020 on the file of the respondent police,
seek bail.

2. The case of the prosecution is that the petitioners have
transported six bags of river sand by using two wheelers, without any
valid licence. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit
that the petitioners are innocent persons and they have been falsely
implicated in this case. The learned counsel further submitted that
without prejudice to their defence, the petitioners are prepared to
deposit an amount to any charitable organization. Hence, he seeks for
grant of bail to the petitioners. He would further submit that the
petitioner has been suffering incarceration from 16.05.2020. Hence,
he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the
petitioners have illegally transported 6 bags of river sand by using
their two wheeler. He would further submit that the 1st petitioner has
two previous case and there is no previous case as against the 2nd
petitioner. However, he opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made on either side and also taking note of the fact that the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) the 1st petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) and the 2nd 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, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, and on such deposit and also on production of proof, 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) each, before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) each of the petitioner shall execute one surety for a sum of Rs.10,000/- (Rupees Ten thousand only), before the concerned Magistrate on or before 06.07.2020, 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.

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 JUDICIAL MAGISTRATE,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE JAILOR
SUB JAIL, SIRKALI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
AANAICKARANCHATHIRAM POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CC to Mr.Om Sai Ram Advocate on payment of necessary charges

CRL OP.8131/2020

Date :05/06/2020

cs 05/06/2020