

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.8220 of 2020

1.Biscut @ Ramachandiran

2.Kumar

3.Gupendiran

4.Baskar

... Petitioners / Accused Nos.1 to 4

Vs.

State Represented by,

The Inspector of Police,

Pudhupattinam P.S.

Nagapattinam District.

Cr.No. 310/2020

... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to release the the petitioners on bail arrested on 18.05.2020 in Crime No.310 of 2020 pending on the file of the Inspector of Police, Pudhupattinam P.S., Nagapattinam District.

For Petitioners : Ms.Om Sai Ram

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 18.05.2020 for the offence punishable under Sections 379 of IPC read with Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.310 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have indulged in illegally transported four bags of sand in two-wheelers. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in any offence as alleged by the prosecution. He would submit that the petitioners have taken the sand for the purpose of own use not for commercial purposes. Further, each bag contains 25 kgs of sand which is used for construction of the 4th petitioner's house. Further, he would submit that the petitioners were in judicial custody from 18.05.2020 and seek bail for the petitioners.

4. The learned Additional Public Prosecutor would submit there was no any other previous case on the name of the petitioners. He further submitted

that the petitioners were transmitted four bags of sand in two-wheelers without prior permit. Hence, he 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 18.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) the petitioners shall deposit a sum of Rs.1,000/- each (Rs.1,000/- X 4) (Rupees four 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 petitioners are ordered to be released on bail on executing his 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 his release;

(b) the petitioners shall execute two sureties each 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 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.

09.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The Judicial Magistrate,
Sirkali.

2.The Inspector of Police,
Pudhupattinam P.S.
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

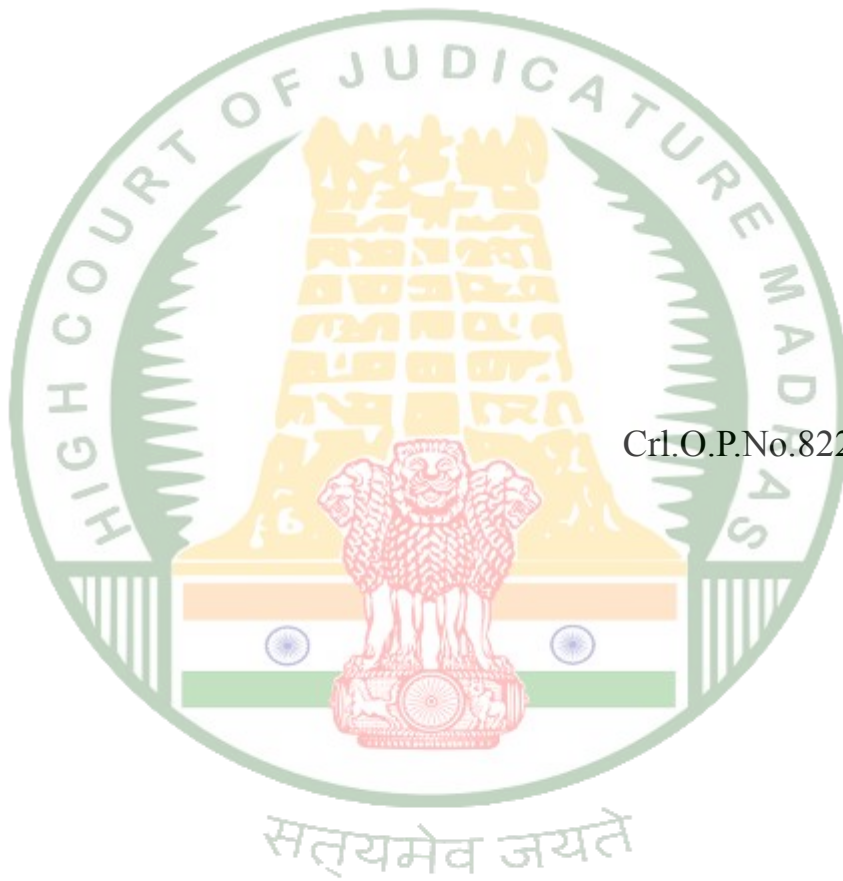
4.The Sub-Jail,
Mayiladuthurai.



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M.NIRMAL KUMAR, J.

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