

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2020

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

Crl.O.P.No.8231 of 2020

1.Singaravel,
S/o.Rajagopal,
Pazhamuthirsolai, Vanduvanchery,
Vedaranyam Taluk, Nagapattinam District.

2.Uthirapathi,
S/o.Rethinam,
Koraikkula Street, Vanduvanchery,
Vedaranyam Taluk, Nagapattinam District.

... Petitioners

Vs.

The State represented by
Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
(Crime No.421 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to release the the petitioners on bail arrested on 16.05.2020 in Crime No.421 of 2020 pending on the file of the Inspector of Police, Voimedu Police Station, Nagapattinam District.

For Petitioners : Mr.R.Murugabarathi

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 16.05.2020 for the offence punishable under Sections 379, 430 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.421 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners have indulged in illegal transportation of sand. 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 petitioner had only carried 1/2 unit of Savudu Sand. Further, he would submit that the petitioner was in judicial custody from 16.05.2020 and seeks bail for the petitioner.

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 1/2 unit of Savudu Sand without prior permit. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 16.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) each 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 within a period of 15 days from the date of lift down of lockdown and regular functioning of Court below, 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.

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order

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To

08.06.2020

1. The learned District Munsif cum Judicial Magistrate,
Vedaranyam.

2. The Inspector of Police,
Voimadu Police Station,
Nagapattinam District.

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent
Central Prison, Trichy.

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M.NIRMAL KUMAR, J.

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