

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.OP.No. 8232 of 2020

1.Silambarasan
2.Sattanathan
... Petitioners

Vs.

State represented by its
Inspector of Police,
Thittacherry Police station,
Nagapattinam District.
... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioners on bail in Crime No.375 of 2020 on the file of the respondent police.

For Petitioners :

Mr.J.Jawahar

For Respondent :

Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The Petitioners who were arrested and remanded to judicial custody on 12.05.2020 for the offences punishable under Sections 379, 430

of IPC & 21(1) Mines and Minerals (Developments and Regulation) Act, on the file of the respondent police, seek 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 for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offences as alleged and a false case has been registered against them and they were arrested and remanded on 12.05.2020 and they are in the judicial custody more than 20 days and the petitioners are ready to abide by any conditions imposed by this Court.

4.The learned Additional Public Prosecutor has submitted that one previous case is pending against the second petitioner and the investigation is still pending. 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 12.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall deposit a sum of Rs.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 for a sum of Rs.5,000/- (Rupees Five thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

M.NIRMAL KUMAR., J.

mfa

5. With the above directions, this Criminal Original Petition is

ordered.

08.06.2020

Internet: Yes/No

mfa

To

1. The Judicial Magistrate No.II,
Nagapattinam.
2. The Inspector of Police,
Thittacherry Police station,
Nagapattinam District.
3. The Superintendent,
Central Prison, Trichy.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 8232 of 2020

सत्यमेव जयते

WEB COPY