

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.8228 of 2020

Radhakrishnan

... Petitioner

Vs.

The State represented by  
Inspector of Police,  
Vaitheeshwarankovil Police Station,  
Nagapattinam District.  
(Crime No.409 of 2020)

... Respondent

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioners on bail in Crime No.409 of 2020 on the file of the Inspector of Police, Vaitheeshwarankovil Police Station, Nagapattinam District.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Kathikeyan

Additional Public Prosecutor

**ORDER**

The petitioner was arrested and remanded to judicial custody on 27.05.2020 for the offence punishable under Sections 188, 269, 379, 430 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.409 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent Police while checking the vehicles near Kumaranatham Railway gate they have stopped the Tata Ace vehicle and have found 1/2 unit of river sand was illegally transported by the petitioner without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. He would submit that the petitioner had only carried 1/2 unit of sand. Further, he would submit that the petitioner was in judicial custody from 27.05.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous case in the name of the petitioner. He further submitted that the petitioner transmitted 1/2 unit of sand in Tata Ace 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 27.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen 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 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) the petitioner shall execute two sureties 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 petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner 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 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]***;

(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.

08.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The learned Judicial Magistrate,  
Sirkazhi.

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

3. The Public Prosecutor,  
High Court, Madras.

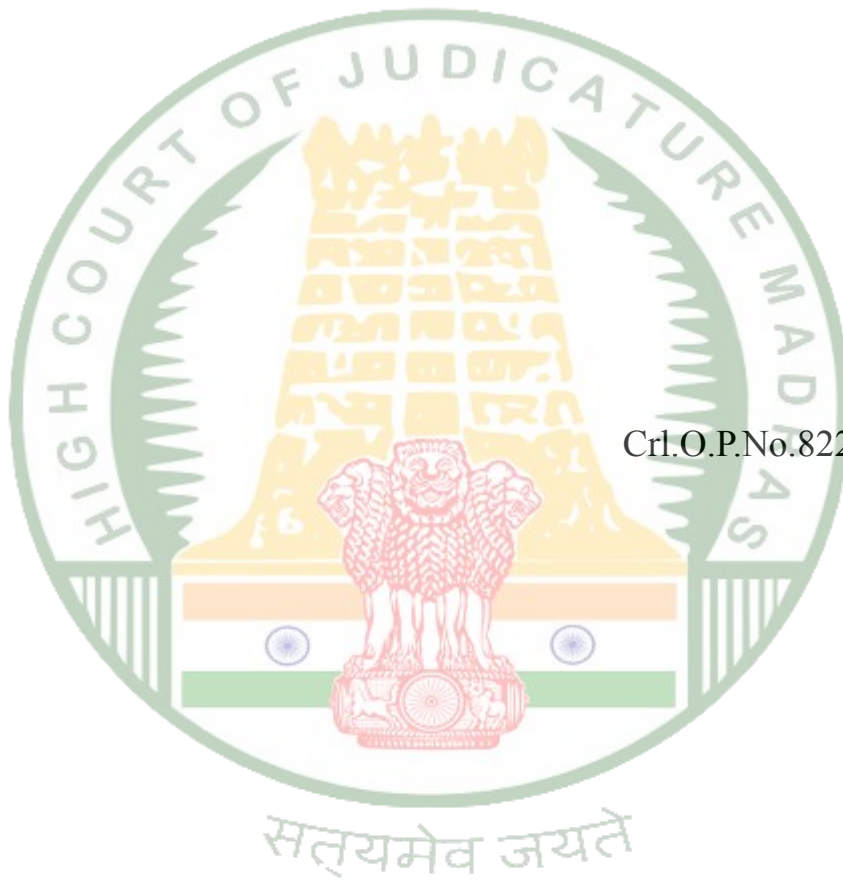
4. The Superintendent  
District Prison, Nagapattinam.



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**M.NIRMAL KUMAR, J.**

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