

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8257 of 2020

S.Narayanasamy

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Thittachery Police Station
Nagapattinam District
(Crime No.368 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.368 of 2020 pending on the file of the respondent.

For Petitioner : Mr. P.Muthamizh Selvakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2020 for the alleged offences under Section 379, 430 of Indian Penal Code r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act 1957 in Crime No.368 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence while the Sub Inspector of Police attached to the respondent along with two police team with SSI were on patrol duty, found that the petitioner, who was driving a TATA Ace bearing Registration No. PY-02 D-0297, had transported half unit of river sand without any valid permit. Subsequently, the petitioner being driver of the vehicle was arrested and the vehicle was seized by the respondent police, after registering a case in Crime No.368 of 2020.

3. The learned Counsel for appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the petitioner is in judicial custody from 10.05.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the quantity of river sand involved in this case is half unit and there is no previous case pending against the petitioner.

5. Taking into consideration the nature of allegations made against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 10.05.2020, 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) 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 lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 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.

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

-sd/-
11/06/2020

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 NO.II,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THITTACHERY POLICE STATION,
NAGAPATTINAM DISTRICT

5 THE CANCER INSTITUTE (WIA), (REGIONAL
CANCER CENTRE), ADYAR, CHENNAI-600 020
(BANK: ANDHRA BANK, MADHYA KAILAH, SB A/C
NO.149710011005477)

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.8257/2020

Date :11/06/2020

TA-23/09/2020