

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8266 of 2020

1.Ravi
2.Siva

.... Petitioners

Vs.

The State Rep by
Inspector of Police,
Kuttalam Police Station,
Nagapattinam District,
Crime No.639 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No. 639 of 2020 on the file of the Kuttalam police Station, Nagapattinam District.

For Petitioners : Mr. U.Kathiravan,

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 14.05.2020 for the offence punishable under Sections 379 IPC r/w. 21(1) of

Mines and Minerals (Development & Regulation) Act, in Crime No.639 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners had transported one and half unit of sand illegally by using tractor without obtaining proper licence. 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 are innocent and they have been falsely implicated in this case. He petitioners were arrested and remanded to judicial custody on 14.05.2020. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had transported one and half unit of sand tractor without having any valid licence. They have no previous case as against them. However, he vehemently 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 14.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) the petitioners shall deposit a sum of Rs.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 petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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.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 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

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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 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.

vsn

11.06.2020

To

1. The Judicial Magistrate-I,
Mayiladuthurai,
2. The Inspector of Police,
Kuttalam Police Station,
Nagapattinam District,
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent
Sub-jail, Sirkazhi.

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