

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8306 of 2020

Premkumar

.. Petitioner

Vs.

State rep. by

The Inspector of Police,

Peralam Town Police Station

Thiruvavur District

Crime No.983 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.983 of 2020 on the file of the respondent.

For Petitioner : Mr. J.Milton Arul Rajendran

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 17.05.2020 for the alleged offences under Sections 430 and 379 IPC in Crime No.983 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had transported half unit of river sand by using Bullock Cart without any valid permit.

3. The learned Counsel for appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 17.05.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the quantity of 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 17.05.2020, 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 Kailah, 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/-

09/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI

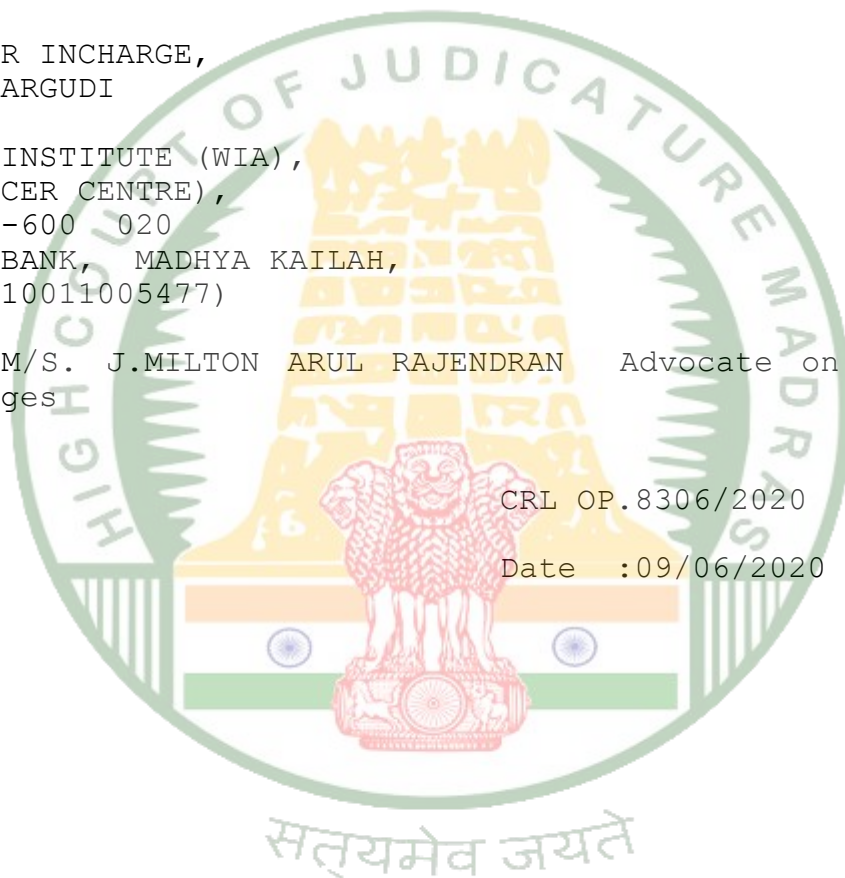
5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI-600 020
(BANK: ANDHRA BANK, MADHYA KAILAH,
SB A/C NO.149710011005477)

CC to M/S. J.MILTON ARUL RAJENDRAN Advocate on payment of
necessary charges

CRL OP.8306/2020

Date :09/06/2020

RVR 17/09/2020



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