

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.8344 of 2020

1. Pradeep
2. Abishek

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Sembanarkoil Police Station,
Sembanarkoil, Nagapattinam District
(Crime No.542 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioners on bail in Crime No.542 of 2020 on the file of the Respondent.

For Petitioners : Mr.C.T.Saravanan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 09.05.2020 for the offence punishable under Sections 379 & 430 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.542 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 05.05.2020 the petitioners transported the 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 had only carried one unit of sand and the petitioners were in judicial custody from 09.05.2020, therefore he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners transported one unit of sand in their tractor with tipper without prior permit. He further submitted that there are no previous cases as against these 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 09.05.2020, 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) 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THARANGAMBADI

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEMBANARKOIL POLICE STATION,
SEMBANARKOIL,
NAGAPATTINAM DISTRICT.

5 THE CANCER INSTITUTE [WIA]
REGIONAL CANCER CENTRE,
ADYAR, CHENNAI-600 020.

CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges

CRL OP.8344/2020

Date :11/06/2020

MK:23/10/2020