

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO. 8564 of 2020

Muthukumaravel

... Petitioner

Vs.

State represented by  
The Inspector of Police,  
Thiruthuraipoondi Police Station,  
Thiruvarur District.  
(Crime No.1560 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C.,  
to enlarge the petitioner on bail in Crime No.1560 of 2020 on the  
file of the respondent police.

For Petitioner : Mr.M.Srinivasan

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

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O R D E R

The Petitioner who was arrested and remanded to judicial custody  
on 23.05.2020 for the offences punishable under Sections 379 of IPC  
and 21(1) of Mines and Minerals (Development & Regulation) Act, in  
Crime No.1560 of 2020 on the file of the respondent police, seeks  
bail.

2. The case of the prosecution is that the complainant, the Sub  
Inspector of Police along with two constables, while patrolling  
around the area of Thiruthuraipoondi, a Tractor (VRM Sonali) bearing  
Registration No.TN51AK2751 driven by the petitioner along with tipper  
was transported with one unit of sand illegally without obtaining  
proper license. Hence the complaint.

3. The learned counsel for the petitioner would submit that the  
petitioner has not transported any sand as alleged by the  
respondent. Further, he would submit that the petitioner was in  
judicial custody from 23.05.2020 and he is the only breadwinner of  
his family and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor has submitted that  
the petitioner transmitted one unit of sand in tractor with tipper  
without prior permit. He further submitted that there is no previous  
case in the name of the petitioner. Hence, he opposed to 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 23.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten 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 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.

-sd/-  
12/06/2020

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,  
THIRUTHURAIPOONDI

2 THE SUPERINTENDENT,  
DISTRICT PRISON, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THIRUTHURAIPOONDI POLICE STATION,  
THIRUVARUR DISTRICT.

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

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

सत्यमेव जयते

CRL OP.8564/2020

Date :12/06/2020

RD 24/09/2020

WEB COPY