

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.8657 of 2020

Karthi

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
Paravakkottai Police Station,  
Paravakkottai,  
Tiruvarur District.  
Cr.No.465 of 2020

... Respondent

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.465 of 2020 on the file of the respondent police.

For Petitioner : M/s.B.Jawahar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

**ORDER**

The petitioner was arrested and remanded to judicial custody on 03.06.2020 for the offence punishable under Sections 379 of IPC r/w Section 21(1) of M.M. (D&R) Act in Crime No.465 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.06.2020, the respondent police, while patrolling at Ullikottai found a tipper lorry driven by the petitioner bearing Registration No.TN-63 H 6121 was transported with three units of Savudu sand illegally without obtaining proper licence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. Further, he would submit that the petitioner is in judicial custody from 03.06.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner who was the driver of the tipper lorry bearing Registration No.TN 63 H 6121 transmitted three units of Savudu sand without prior permit. Hence, he vehemently opposed for 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 03.06.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty 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.

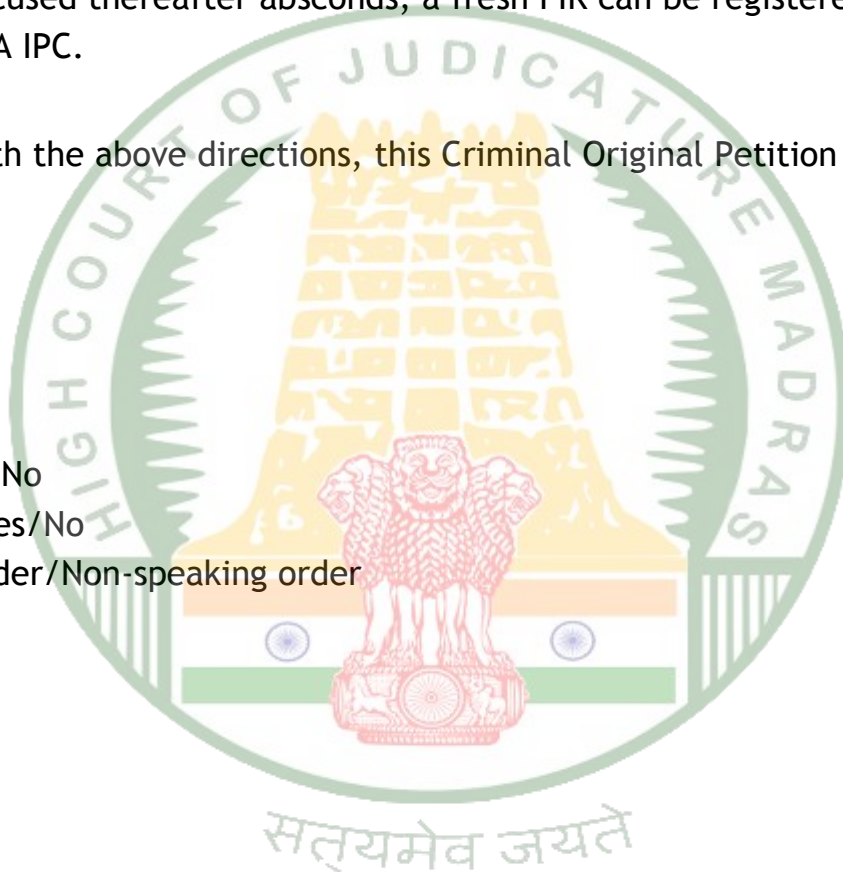
Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dpq

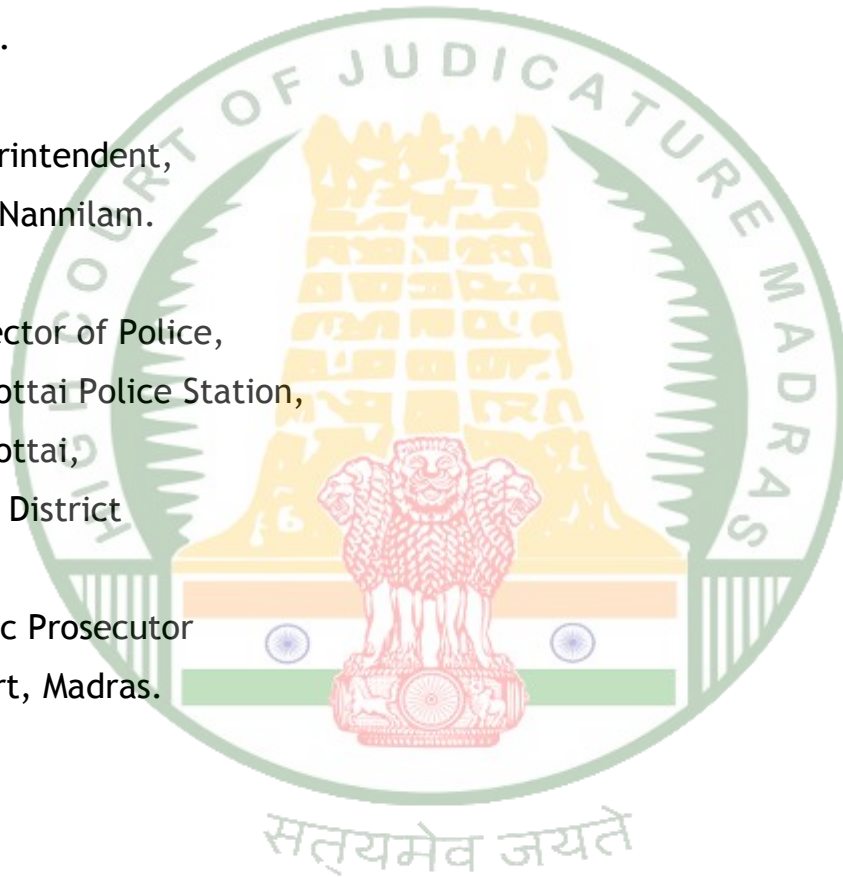
12.06.2020



WEB COPY

To

1. The learned District Munsif cum Judicial Magistrate-II,  
Mannargudi.
2. The learned Principal Sessions Court,  
Tiruvarur.
3. The Superintendent,  
Sub Jail, Nannilam.
4. The Inspector of Police,  
Paravakkottai Police Station,  
Paravakkottai,  
Tiruvarur District
5. The Public Prosecutor  
High Court, Madras.



WEB COPY

**M.NIRMAL KUMAR, J.**

dpq



Crl.O.P.No. 8657 of 2020

WEB COPY

12.06.2020