

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI. O.P. No. 8714 of 2020

1. Chozhan
2. Vetriselvan

... Petitioners

-vs-

State rep. by
The Inspector of Police,
Vettaikkaraniruppu Police Station
Vettaikkaraniruppu
Nagapattinam District

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Crime No.276 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners : M/s.A.Sundaravadhanan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The Petitioners, who were arrested and remanded to judicial custody from 15.05.2020 for the offence punishable under Sections 379 IPC and 21(1) of Mines & Minerals (Development and Regulation), in Crime No. 276 of 2020 on the file of the Respondent Police, seek bail.

2.The case of the prosecution is that the petitioners have transported one unit of sand illegally 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. Further, he would submit that the petitioners were in judicial custody from 15.05.2020 and seeks bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have transported one unit of sand illegally without obtaining proper licence. Hence, 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 is in judicial custody from 15.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) the petitioner/A2 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 petitioners 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 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 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/-
15/06/2020

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,
SIRKALI.

2 THE OFFICER INCHARGE,
SUB JAIL, SIRKALI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

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

WEB COPY

CRL OP.8714/2020

Date :15/06/2020

MK:30/09/2020