

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9001 of 2020

Kesavan

... Petitioner

Vs.

State rep.by
Inspector of Police,
Bargur Police Station,
Krishnagiri District.
Crime No.572 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner/accused on bail and release him from the custody in Crime No.572 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

The petitioner was arrested and remanded to judicial custody on 30.05.2020 for the offence punishable under Sections 379, 353, 307 IPC, in Crime No.572 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant who is a Village Administrative Officer, made a complaint that on 30.05.2020, at about 8.00 a.m, when he and his Government officials were on regular ride, he found that the petitioner was transporting M Sand in new unregistered tractor. When they attempted to stop the tractor, the petitioner tried to dash against them. Thereafter, a complaint came to be registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. He would submit that the petitioner had only carried M Sand and it was unloaded and returned empty. But the Village Administrative Officer made allegation that the petitioner had carried River Sand. Despite the petitioner explaining the same to

the respondent, he was arrested. Further, he would submit that the petitioner was in judicial custody from 30.05.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transported River Sand illegally in tractor. When the vehicle was attempted to stop by Village Administrative Officer, the petitioner who is the owner cum driver of the vehicle, attempted to run over the Village Administrative Officer. Thereafter, the petitioner was arrested and the vehicle was seized. 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 30.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen 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/-
19/06/2020

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 PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE, सत्यमेव जयते
NO.I, KRISHNAGIRI.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

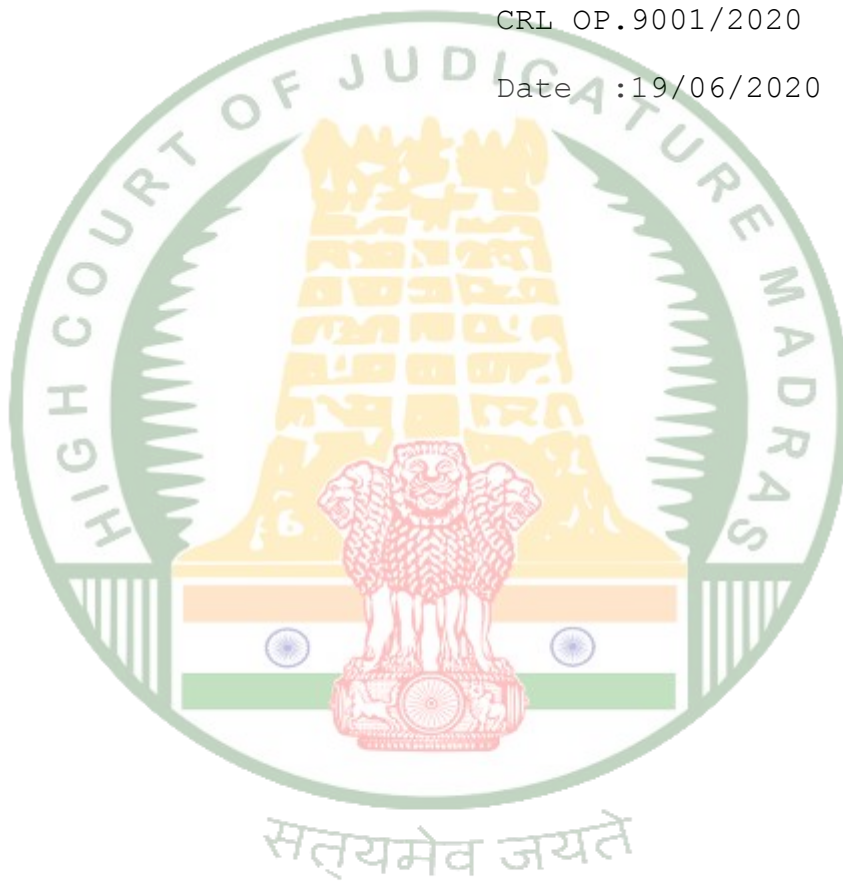
6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI-600 020
(BANK:ANDHRA BANK, MADHYA KAILASH,
SB A/C.NO.149710011005477)

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

CRL OP.9001/2020

Date :19/06/2020

cs 29/09/2020



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