

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.9004 of 2020

Srinivasan,  
S/o.Nataraj,  
No.74, Govindhavadi Agaram Village & Post,  
Main Road, kancheepuram Taluk,  
Kancheepuram District. ... Petitioner

Vs.

State rep.by  
Inspector of Police,  
Baluchettychatram Police Station,  
Kancheepuram District.  
Crime No.852 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.852 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.G.Vinodhkumar

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

**ORDER**

The petitioner was arrested and remanded to judicial custody on 18.05.2020 for the offence punishable under Sections 294(b), 353,307, 506(ii), 379 and 430 of IPC r/w 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957,

and 3(1) of TNPPDL Act in Crime No.852 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2020 at about 1.00 p.m., when the respondent police was on patrol duty, found that the petitioner was filling river sand in a Bolero vehicle bearing Registration No. TN 21 BC 3360. On seeing the respondent police, the petitioner tried to escape and made an attempt to run over the respondent. 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. He would submit that the petitioner had only carried savudu sand and not the 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 18.05.2020 and seeks bail for the petitioner.

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4. The learned Additional Public Prosecutor would submit that when the respondent police was on patrol duty, found that the petitioner loading one and half unit of river sand in his Bolero vehicle. On seeing the respondent, the petitioner attempted to run away with the vehicle. When the respondent stopped

the vehicle, the petitioner attempted to run over the respondent. Thereafter, the respondent arrested the petitioner and seized the vehicle. 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 18.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty 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;

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(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.

19.06.2020

Internet : Yes / No

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To

1. The Principal Sessions Judge, Chengalpet.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police,  
Baluchettychatram Police Station,  
Kancheepuram District.
4. The Public Prosecutor, High Court, Madras.

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