

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9442 of 2020

1.Sudhakar
2.Ravi

.. Petitioners

/versus/

THE STATE represented by
Inspector of Police,
Valangaiman Police Station
Thiruvaru District.
[Crime No.1220/2020]

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the Petitioner on bail concerned in Crime No.1220/2020 on the file of the Respondent.

For Petitioners : Mr.Narayanan

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners were arrested and remanded to judicial custody on 06.06.2020 for the alleged offences under Section 430 and 379 of IPC, in Crime No.1220 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners had illegally transported two bags of sand weighing about 75 kg in their two wheeler without any licence.. Hence, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instruction, he would further submit that without prejudice to their defence, the petitioners are prepared to deposit some considerable amount to any charitable organization, and that the petitioners have been suffering incarceration from 06.06.2020. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners had transported two bags of sand weighing about 75 kg

without any licence and there are no previous cases against the petitioners. However, he opposed for the grant of bail to the petitioners.

5. In view of the fact that there are no previous cases against the petitioners and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) jointly to the 'Manonmani Trust' and also taking note of the fact the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following condition:

(a) the petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) jointly to the 'Manonmani Trust', bearing A/c No.047501000028847, Indian Overseas Bank, Tower Branch, AC 56, V Avenue, Anna Nagar, Chennai 600 040 with IFSC code-IOBA0000475, and on such deposit and production of proof, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their 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 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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) it is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

(j) 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/-
25/06/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REPRESENTED BY
INSPECTOR OF POLICE, VALANGAIMAN POLICE
STATION, THIRUVARUR DISTRICT.

5 THE 'MANONMANI TRUST',
BEARING A/C NO.047501000028847,
INDIAN OVERSEAS BANK, TOWER BRANCH,
AC 56, V AVENUE, ANNA NAGAR,
CHENNAI 600 040
WITH IFSC CODE-IOBA0000475

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

CRL OP.9442/2020

Date :25/06/2020

rd 27/07/2020