

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9671 of 2020

Rajkumar

... Petitioner

-vs-

The State Rep. By its
Inspector of Police,
Koradacherry Police Station,
Thiruvavarur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to release the Petitioner on bail pending investigation in Crime No. 1097 of 2020 on the file of the Inspector of Police, Koradacherry Police Station, Thiruvavarur District.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(the case has been heard through video conference)

The Petitioner was arrested and remanded to judicial custody on 12.06.2020 for the offence punishable under Section 379 of the Indian Penal Code, 1860, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 1097 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.06.2020 while conducting a prohibition raid by the respondent police, the Petitioner was found to illegally transported 3 units of sand each by using tipper lorry, without any permit or valid licence and it was seized by the respondent police.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. On instructions, he would further submit that without prejudice to his defence, the Petitioner is prepared to deposit some considerable amount to any charitable organization, and that the Petitioner has been suffering incarceration from 12.06.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that there was no previous case pending against the Petitioner. However, he opposed for the grant of bail.

5.In view of the fact that there are no previous cases against the Petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the Petitioner is directed to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the 'Manonmani Trust' and also taking note of the fact the period of incarceration by the Petitioner, this Court is inclined to grant bail to the Petitioner, subject to the following condition:-

(a) the Petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) through RTGS/NEFT transfer to the credit of Manonmani Trust (Indian Overseas Bank, Tower Branch, AC 56, V Avenue, Anna Nagar, Chennai-40 A/c No.047501000028847, IFS Code:IOBA0000475) and on such deposit and production of proof, 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 and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Judicial Magistrate, Thiruvavur, within 15 days from the date of lifting of 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 Aadhaar Card or Bank Pass Book to ensure their identity;

(d) the Petitioner shall report before the respondent police as and when required for investigation;

(e) it is made clear, merely because the Petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently;

(f) the Petitioner shall furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court;

(g) the Petitioner shall not commit any offences of similar nature;

(h) the Petitioner shall not abscond either during investigation or trial;

(i) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(j) 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 5560];

(k) 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/-
29/06/2020

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,
THIRUVARUR

2 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM. सत्यमेव जयते

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
THIRUVARUR DISTRICT.

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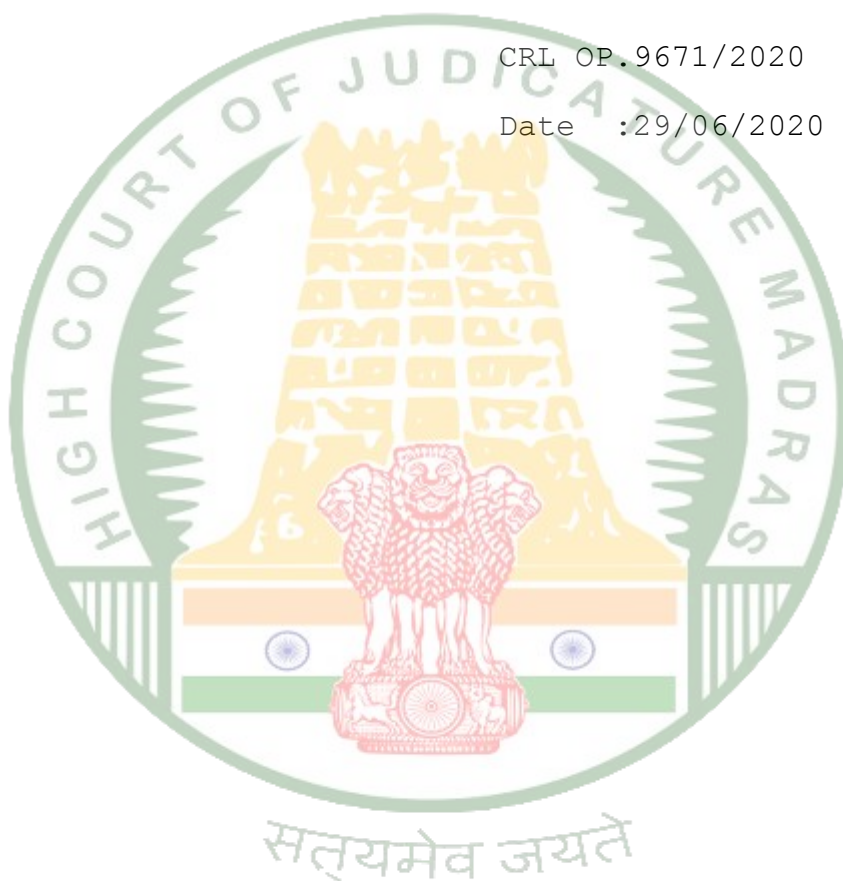
5 MANONMANI TRUST (INDIAN OVERSEAS BANK,
TOWER BRANCH, AC 56, V AVENUE,
ANNA NAGAR, CHENNAI-40
A/C NO.047501000028847,
IFS CODE:IOBA0000475)

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges

CRL OP.9671/2020

Date :29/06/2020

cs 23/07/2020



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