

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.9737 of 2020

1.Seetharaman
2.Gowtham
3.Krishnan

.. Petitioners

/versus/

State rep. by
The Inspector of Police,
Panruti Police Station,
Cuddalore District.
[Crime No.701 of 2020]

..Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the Petitioners on bail, pending investigation of the case in Crime No.701/2020 on the file of the Respondent.

For Petitioners : Mr.M.Vijayaraghavan

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

ORDER

(The case has been heard through video conference)

The petitioners were arrested and remanded to judicial custody on 10.06.2020 for the alleged offences under Sections 379, 430 of I.P.C. and Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.701 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had illegally transported 2 ½ units of sand in their lorry 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 10.06.2020. 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 2 ½ units of sand without any licence. He would further submit that 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 first petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) and the petitioners 2 and 3 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of **'Tamil Nadu Advocate Clerk Association, High Court Madras'** 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 first petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) and each of the petitioners 2 and 3 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of **Tamil Nadu Advocate Clerk Association, High Court Madras, Indian Bank, High Court branch Account No.484026006 , IFSC No.IDIBO00M157'** 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) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and 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 petitioners have 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 petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during

(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 5560];

(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/-

30/06/2020

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,
NO.1, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, CUDDALORE.

6 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT MADRAS, INDIAN BANK, HIGH COURT
BRANCH ACCOUNT NO.484026006 , IFSC NO.IDIBO00M157.

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

CRL OP.9737/2020

Date :30/06/2020

TA-14/07/2020

<https://hcservices.ecourts.gov.in/hcservices/>