

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.07.2020

CORAM :

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

Crl.O.P.No.10018 of 2020

Devandran

... Petitioner

Vs.

State rep. through the Inspector of Police
Valangaiman Police Station
Thiruvavarur District
(Crime No.1259 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1259 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Srinivasan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.06.2020 for the offence punishable under Sections 430 and 379 IPC in Crime No.1259 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner had illegally transported two bags of sand weighing about 50 kg each in his two wheeler without any licence. Hence, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization or association, and that the petitioner has been suffering incarceration from 11.06.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner had transported two bags of sand weighing about 50 kg each without any licence and there are no previous cases against the petitioner. However, he opposed for the grant of bail to the petitioner.

the petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) Madras High Court Advocates Clerks Welfare Association 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.5,000/- (Rupees five thousand only) to the Madras High Court Advocates Clerks Welfare Association, S.B.Account No.484077244 of Indian Bank, High Court Branch, IFSC IDIB000M157 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 their 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 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 petitioner 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 petitioner shall not commit any offences of similar nature;

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

(h) the petitioner 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/-
03/07/2020

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 OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY
INSPECTOR OF POLICE, VALANGAIMAN POLICE
STATION, THIRUVARUR DISTRICT. CRIME NO.
1259/2020

5 THE MADRAS HIGH COURT ADVOCATES
CLERKS WELFARE ASSOCIATION,
S.B.ACCOUNT NO.484077244 OF INDIAN BANK,
HIGH COURT BRANCH, IFSC IDIB000M157

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

WEB COPY

CRL OP.10018/2020

Date :03/07/2020

RD 12/08/2020