



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10306 of 2020

M.Govindharaj

... Petitioner

/vs/

Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
(Crime No.589 of 2020)

... Respondent

Prayer : This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail pending investigation in Crime No.589 of 2020 on the file of the respondent police.

For Petitioner : Mr. M.P.Saravanan

For respondent : Mr. Shunmugarajeswaran
Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.06.2020 for the offence punishable under Section 379 IPC in Crime No. 589 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.06.2020, the petitioner had illegally transported 1/4 unit of river sand by using Mahindra Pick-up. Hence, the complaint.

3. The learned counsel 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, and that the petitioner has been suffering incarceration from 14.06.2020. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent 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 is no previous case 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.5,000/- (Rupees Five Thousand Only) to the Madras High Court Advocates Clerk Welfare Association, S.B. Account No.484077244 of Indian Bank, IFSC IDIB000M157 and also taking note of the fact of the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the Madras High Court Advocates Clerk Welfare Association, S.B. Account no.484077244 of Indian Bank, 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 his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Uthangarai on or before 09.08.2020, 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 surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30. a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(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.

(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 SCW5560.

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.



6. With the above directions, the Criminal Original Petition is ordered.

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-sd/-
09/07/2020

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 JUDICIAL MAGISTRATE,
UTHANGARAI.

2 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

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

CRL OP.10306/2020

Date :09/07/2020

cs 07/08/2020