

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2020

CORAM

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

Cr1.O.P.No.10418 of 2020

Rajini

... Petitioner

Vs.

State By

... Respondent

The Inspector of Police
Thalayamangalam Police Station.
Thiruvarur District.
Crime No.296 of 2020

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail, in the case pending investigation in Crime No.296 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1.Side)

सतसमेक जयते
ORDER

(The case has been heard through video conference)

The petitioner was arrested and remanded to judicial custody on 21.06.2020 for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals Act in Crime No.296 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 21.06.2020, the petitioner was found transporting 30 bags of sand in a vehicle illegally. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely

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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 21.06.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner was found transporting 30 bags of sand illegally and that there is no previous case against them. However, he opposed for the grant of bail.

5. In view of the above facts and circumstances 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.10,000/- (Rupees Ten thousand only), to the **Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.A/c.No.117201000000070 IFS Code IOBA0001172 CMPRF AAAGC0038F** 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 conditions:

(a) the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** as non-refundable deposit either through RTGS/NEFT transfer to the credit of Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, **S.B.A/c.No.117201000000070 IFS Code IOBA0001172 CMPRF AAAGC0038F** 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) each, 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 No.II, Mannargudi, within 15 days from the date of lifting of lockdown and the commencement of the Court's normal functioning, whichever is earlier, 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 interrogation;

(e) it is made clear, merely because the petitioners deposit 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 to 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 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 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/-
10/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

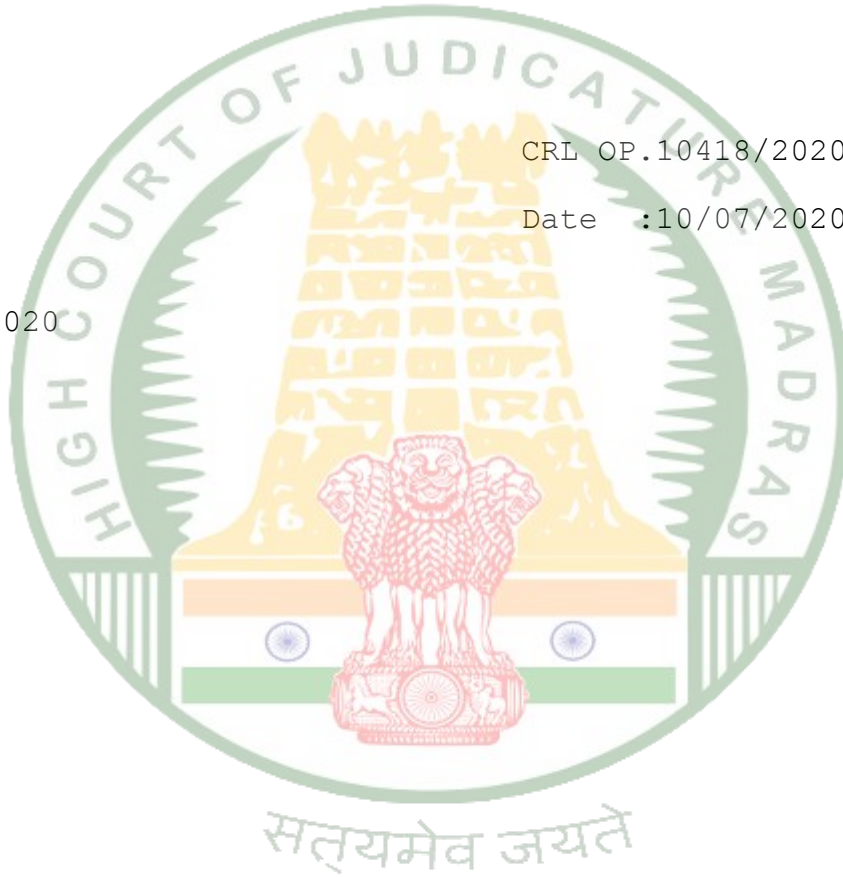
6 THE CHIEF MINISTER PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH, CHENNAI 600 009,
S.B.A/C.NO.117201000000070 IFSC CODE IOBA0001172 CMPRF AAAGC0038F

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

CRL OP.10418/2020

Date :10/07/2020

MN-CS-07/08/2020



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