

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2020

CORAM :

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

Crl.O.P.No.11197 of 2020

RAMU

S/o.Chinnathambi

... Petitioner

Vs.

STATE BY

Sub Inspector of Police
Thanipadi Police Station
Tiruvannamalai District
(Crime No.2068 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the Respondent Police, in Crime No.2068 of 2020.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.07.2020 for the offences punishable under Section 379, 430, 307 IPC r/w 21(1) of MM Act and 3 of PPD L Act, in Crime No.2068 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner had illegally transported one unit of river sand in a tractor, without any permit or valid licence and when the same was intercepted by the respondent police, the petitioner attempted to assault him and do away with his life.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner's tractor was taken away by the respondent police and thereafter a case was foisted on him. The petitioner was arrested on 02.07.2020 and he is in custody for more than 25 days. 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 02.07.2020.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner was illegally transported one unit of river sand and in a tractor without valid licence. When the same was questioned by the respondent police, he attempted to attack the respondent police. There is one previous case is pending against the petitioner.

5.Taking into consideration of the facts and circumstances, the submissions made by the learned counsels, and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Bar Council of Tamilnadu and Puducherry (BCTNP) Advocates Relief Fund, Indian Bank A/c.No.6873278505, IFSC: IDIB000M157, Madras High Court Branch, on such deposit and production of proof and on condition to execute 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), before the District Sessions Court (Spl. Court for Mines and Minerals), Tiruvannamalai, within a period of two weeks after lifting of lockdown or 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 Aadhar card or Bank pass Book to ensure their identity;

(d) merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

(e) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

(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/-
28/07/2020

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 AND SESSIONS COURT
TIRUVANNAMALAI [SPL COURT FOR MINES AND MINERALS]
TIRUVANNAMALAI

2 THE OFFICER INCHARGE
SUB-COURT, TIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE BAR COUNCIL OF TAMILNADU
AND PUDUCHERRY [BCTNP] ADVOCATES RELIEF FUND,
INDIAN BANK, MADRAS HIGH COURT BRANCH

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

CRL OP.11197/2020

Date :28/07/2020

RD 24/08/2020