

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.Nos.11586 of 2020

1.M.Ragavan
S/o.Mathiyalagan

2.N.Sathis
S/o.Natarajan

... Petitioners

Vs.

State Rep. by
The Inspector of Police
peralam Police Station
Tiruvarur District
(Crime No.1736 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1736 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.K.Karuppaiya Mooppanar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.07.2020 for the offences punishable under Section 430, 379 of IPC r/w 21(1) Mines and Minerals (Development and Regulation) Act 1957, in Crime No.1736 of 2020, seek bail.

2. The case of the prosecution is that the petitioners had illegally transported 1 unit of river sand in a tractor, without any permit or valid licence. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioners are prepared to deposit considerable amount to any charitable Organization or Association, and that the petitioners have been suffering incarceration from 11.07.2020. Hence, he prays to grant bail to the petitioners.

the petitioner had illegally transported one unit of river sand in a tractor without any valid licence or permit. Hence he vehemently opposes to grant bail to the petitioner. He would further submit that the 1st petitioner has no previous cases and the 2nd petitioner is having one previous case.

5. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners have to be directed to make a non refundable deposit. Accordingly the 1st petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) and the 2nd petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F, on such deposit and production of proof and on condition to execute 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 thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Nannilam 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) Merely, because the petitioners deposit 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.

(d) 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;

(e) the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(f) the petitioners shall not commit any offences of similar nature;

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

(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 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];

(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/-
04/08/2020

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,
NANNILAM

2 THE OFFICER INCHARGE
SUB-JAIL, MANNARGUDI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE JOINT SECRETARY & TREASURE
CHIEF MINISTERS PUBLIC RELIEF FUND,
FINANCE[CMPRF]DEPARTMENT, GOVERNMENT OF
TAMIL NDU, SECRETARIAT, CHENNAI-600 009.

CC to K.KARUPPAIYAMOOPANAR Advocate on payment of necessary charges

CRL OP.11586/2020

Date :04/08/2020

RD 01/09/2020