

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2020

CORAM :

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

CRL.O.P.No.13825 of 2020

1.Udhayakumar
2.Aravind

... Petitioners

Vs.

The State Represented by
Inspector of Police
Edaiyur Police Station,
Thiruvarur District.
(Crime No.1050 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.1050 of 2020 on the file of the Inspector of Police, Edaiyur Police Station, Thiruvarur District.

For Petitioner : Mr.A.Meenakshi Sundaram

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 07.08.2020 for the offence punishable under Sections 379 IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1050 of 2020, seeks bail.

2.The case of the prosecution is that the petitioners had illegally transported eight (8) units of savudu manal in two TATA BENZE Tipper lorry, without any permit or valid licence. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case. On instruction, he would further submit that taking into consideration of the Covid pandemic situation, the petitioners without prejudice to his defence, are prepared to make considerable donation to any charitable Organization or Association, and that the petitioners have been suffering incarceration from 07.08.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners had illegally transported eight (8) units of savudu manal in two TATA BENZE Tipper lorry, without any permit or valid licence. He would further submit that there are no previous cases as against the petitioners.

5. In order to curb the illegal sand mining activities and taking into consideration the voluntary submission made by the petitioners offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioners shall jointly be directed to make a non refundable payment / donation for a sum of Rs.60,000/- (Rupees Sixty 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, and on such payment and production of proof they shall be released on bail 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;

(a) the petitioners shall within a period of two weeks from the date of the commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate, Thiruthuraipoondi, failing which the bail granted by this Court shall stand dismissed automatically;

(b) 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.

(c) 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.

(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 not commit any offences of similar nature;

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

(g) the petitioners 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 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];

(i) 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/-

15/09/2020

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, सत्यमेव जयते
THIRUTHURAIPOONDI.

2 THE OFFICER INCHARGE
SUB JAIL, NANNILAM.

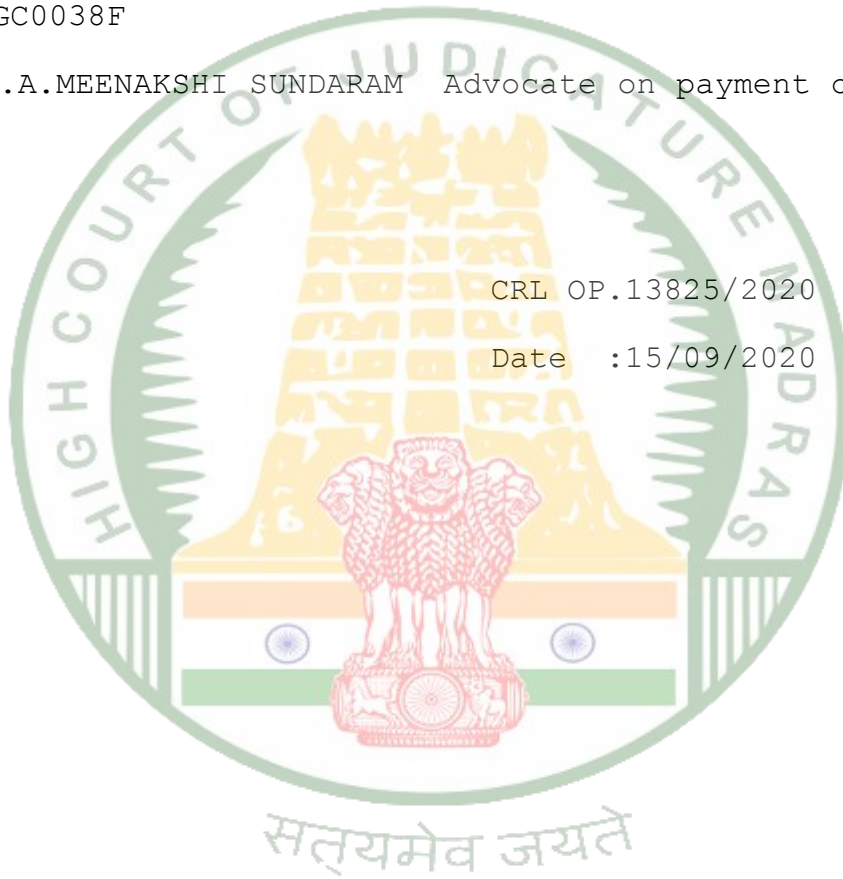
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 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

CC to M/S.A.MEENAKSHI SUNDARAM Advocate on payment of necessary charges

cs 18/09/2020



CRL OP.13825/2020

Date :15/09/2020

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