

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.15118 of 2020

Sakkaraivel

... Petitioner

Vs.

State Rep by

... Respondent

The Inspector of Police
Pappireddipatti Taluk Police Station
Dharmapuri
Dharmapuri District.
(Crime No.1034 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1034 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sagadevan

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.08.2020 for the offence punishable under **Section 379 of IPC in Crime No.1034 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, the Village Administrative Officer (VAO) of Vizhuthupatti Village is that the petitioner on 25.08.2020, had committed the theft of Black Granite stone from the Government land situated in Survey No.116/3 at Vizhuthupatti Village, Dharmapuri.

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 on instruction that taking into consideration of the Covid pandemic situation, the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or

Association, and that the petitioner has been suffering incarceration from 30.08.2020.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner had committed the theft of Black Granite stone, from the Government land situated in Survey No.116/3 at Vizhuthupatti Village, Dharmapuri and the complaint was given by the VAO of that Village.

5.In order to curb the illegal mining activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make **a payment / donation for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the "Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172"** and on such payment and production of proof he shall be released on bail on his executing a 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;

(a) the petitioner 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 Court, Pappireddipatti**, failing which the bail granted by this Court shall stand dismissed automatically;

(b) Merely, because the petitioner deposits 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.

(c) **the petitioner shall report before the respondent police every day 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 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 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/-
25/09/2020

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 COURT,
PAPPIREDDIPATTI

2 THE JAILER, DISTRICT JAIL,
DHARMAPURI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PAPPIREDDIPATTI POLICE STATION,
DHARMAPURI DISTRICT.

5 CHIEF MINISTERS PUBLIC RELIEF
FUND, INDIAN OVERSEAS BANK, SECRETARIAT
BRANCH, CHENNAI SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

+1 CC to M/S.R.SAGADEVAN Advocate on payment of necessary charges SR.NO.6511

CRL OP.15118/2020

Date :25/09/2020