IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.17005 of 2020

SENTHIL KUMAR ... Petitioner

Vs.

State rep by, ... Respondent
The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
(Crime No.1897/2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail pending investigation in Crime No.1897 of 2020 on the file of the respondent.

For Petitioner : Mr.T.Muruganantham

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under **Sections 379 of IPC r/w 21(1) MINES AND MINERALS (D&R) ACT 1957, in Crime No.1897 of 2020,** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found to be illegally transporting 3 bags of river sand in a two wheeler, without any permit or valid licence.

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 was arrested and remanded to judicial custody on 18.09.2020.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner was found to be illegally transporting 3 bags of river sand in his two wheeler without any valid permit and licence. He would further submit that the

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petitioner has got no previous cases to his credit.

5.Taking into consideration of the above facts and circumstances and the submissions made by the learned Counsels and also considering the period of incarceration suffered by the petitioner, 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 execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Nannilam,** and on further conditions that;

(b) 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;

(c) the petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
29/10/2020

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

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

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TO

1 THE JUDICIAL MAGISTRATE
NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE JAILER,
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.17005/2020

Date :29/10/2020

TA-02/11/2020

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