

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2020

CORAM :

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

CRL.O.P.No.17660 of 2020

1.Pugazhenth
2.Vimalraj

... petitioners

Vs.

State Rep.By
The Sub Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
(Crime No.620 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the bail to the petitioners in connection with Crime No.620 of 2020 on the file of the respondent police.

For petitioners: Mr.G.Pugazhenth

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 21.10.2020 for the offences punishable **under Sections 294 (b), 307, 353, 427, 379, 430 and 506(i) IPC r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 and Section 3(1) of the Tamil Nadu Public Properties (Prevention of Damage and Loss) Act, 1992, in Crime No.620 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Selvakumar is that when they were conducting their usual rounds, they found that the petitioners were illegally transported river sand in their Tractor and when the police party attempted to prevent them, the accused abused and intimidated them, prevented them from discharging their official duties and attempted to murder them. Hence the complaint.

3.The learned counsel appearing for the petitioners would

<https://hcservices.tn.gov.in/hcservices/> evidence to show that the petitioners are innocent and they have been falsely

implicated in this case.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioners have illegally transported river sand in Tractor. He would further submit that the 1st petitioner viz. Pugazhenthhi has been detained under Act 14, pursuant to the orders passed by the **District Collector, Cuddalore vide proceedings dated 19.11.2020 in D.No.129 of 2020.**

5.Taking into account of the fact that the 1st petitioner viz. Pugazhenthhi has been detained under Act 14 pursuant to the orders passed by the **District Collector, Cuddalore, vide proceedings dated 19.11.2020 in D.No.129 of 2020, this bail petition stands closed in respect of the 1st petitioner.**

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the 2nd petitioner viz. Vimalraj, this Court is inclined to grant bail to the 2nd petitioner subject to the following conditions:

(a) Accordingly, the 2nd 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 No.II, Chidambaram, Cuddalore**, 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 2nd petitioner, on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the 2nd petitioner shall not commit any offences of similar nature;

(e) the 2nd petitioner shall not abscond either during investigation or trial;

(f) the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

7. With the above directions, this Criminal Original Petition as against the 1st petitioner viz. Pugazhenthhi is concerned, stands closed and as far as the 2nd petitioner viz. Vimalraj is concerned, it stands allowed.

-sd/-
20/11/2020

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 NO,II,
CHIDAMBARAM, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB-JAIL, CHIDAMBARAM.

5 THE SUB INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.

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

WEB COPY

CRL OP.17660/2020

Date :20/11/2020

MN-23/11/2020