

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No. 18645 of 2020

Babu @ Kurappa

... Petitioner

Vs.

The State represented by,

The Inspector of Police,

Denkanikottai Police Station,

Krishnagiri District.

Crime No. 575 of 2020.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 575 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who were arrested and remanded to judicial custody on 20.10.2020 for the offences punishable under Sections 379 of IPC and 21(1) Mines & Minerals(Development & Regulation) Act 1957, in Crime No. 575 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner had illegally transported 1 unit of river sand by using Tractor, without any permit or valid licence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that taking into consideration 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 20.10.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl. Side) would submit that the petitioner had illegally transported 1 unit of river sand in tractor, without any valid licence or permit. Hence he vehemently opposes to grant bail to the petitioner.

5 In order to curb the illegal sand 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 of a sum of Rs.5,000/- (Rupees Five 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 donation and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the the **learned Principal District and Sessions Judge, Krishnagiri**, and on further conditions that;

(a) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(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 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;

(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/-
24/11/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DIST [FOR INFORMATION]

3 THE SUPERINTENDENT, SUB JAIL, HOSUR

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION, KRISHNAGIRI DIST

6 THE JOINT SECRETARY & TREASURER
CHIEF MINISTERS PUBLIC RELIEF FUND, FINANCE
(CMPRF) DEPARTMENT, GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009, TAMIL NADU, INDIA,

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.18645/2020
Date :24/11/2020

GKS:27/11/2020