

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18657 of 2020

1.Velu @ Velumani

2.Sadhasivam

... Petitioners

Vs.

State Rep. by

The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.

Crime No.1308 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1308 of 2020, on the file of the respondent police.

For Petitioners: Mr.J.Pradeep

For Respondent : Mr.C.Raghavan

Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 30.10.2020 for the offences punishable under Sections **379 of IPC** in Crime No.1308 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of foundation stones by using lorry without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners were suffering incarceration from 30.10.2020. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were found in illegal transportation of foundation stones by using lorry without any valid license. He would submit that the first petitioner is the driver of the Lorry and the second petitioner is the owner of the Lorry. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case submissions made by the learned counsels and considering the fact that the petitioners are in judicial custody from 30.10.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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-I, Dharmapuri 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 petitioners shall report before respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/11/2020

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.I,
DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DIST. [FOR INFORMATION]

3 THE JAILER, SUB JAIL,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DIST.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.18657/2020

Date :27/11/2020

GKS:30/11/2020

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