



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2020

CORAM :

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

CRL.O.P.No.19824 of 2020

Sasikumar

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur District.
(Crime No.1158 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1158 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.11.2020 for the offence punishable under Section 379 of IPC, in Crime No.1158 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.11.2020, while the defacto complainant Sub-Inspector of Police attached to the respondent police was on prohibition duty, the petitioner was found in illegal transportation of half unit of river sand by using vehicle bearing Registration No.TN-50-X-6341, without any valid license. 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. He would submit that the petitioner has no previous case against him. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 22.11.2020. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 22.11.2020, while the defacto complainant Sub-Inspector of Police attached to the respondent police was on prohibition duty, found the petitioner in illegal transportation of half unit of river sand by using vehicle bearing Registration No.TN-50-X-6341, without any valid license. Hence, he opposed to grant bail to the petitioner.

5. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the "Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172", without prejudice to his rights and contentions before the trial Court.

6. 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.

7. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 22.11.2020, 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 make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) through RTGS/NEFT in favour of the "Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172", on such deposit and production of proof, 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 No.I, Mannargudi, Thiruvavur District, 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 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 petitioner shall not commit any offences of similar nature;

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



5 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

6 THE "CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

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

CRL OP.19824/2020

Date :14/12/2020

MK:15/12/2020