

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1040 of 2021

Rajeev

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
(Crime No.1597 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1597 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr. D.Padmanabhan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.12.2020 for the offences punishable under Sections 379 of I.P.C. and 21(1) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.1597 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent police was in routine vehicle checkup at Puniyam Village, they found that the petitioner said to have transported ½ unit of sand in his Mahindra Loading vehicle without having valid license. In the said circumstances, the criminal case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. He would submit that the petitioner being driver of the vehicle, he has been falsely implicated as accused in this case. On instruction, he would further submit that without prejudice to his right and contentions, he is prepared to

deposit/pay some considerable amount to any charitable organization or association and prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is the driver of the Mahindra Loadking vehicle involved in the illegal transportation of $\frac{1}{2}$ unit of sand. She has further submitted that there is no previous case pending against the petitioner. However, she opposed to grant bail to the petitioner.

5. In order to curb the illegal transportation of sand and taking into consideration of the voluntary submission made by the petitioner offering to deposit or to pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to deposit/pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Ramalinga Adigalar, 2/263, B.Susila Nagar, 2nd Street, Kovilambakkam, Chennai-600 129, A/c.No. 1789115000000370, IFSC.No. KVBL0001789, without prejudice to his right and contention before the trial Court.

6. Merely, because the petitioner has deposited 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 note of the facts and circumstances and also considering the fact that there is no previous antecedents against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

(a) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) either through RTGS/NEFT or in cash in favour of Ramalinga Adigalar, 2/263, B.Susila Nagar, 2nd Street, Kovilambakkam, Chennai-600 129, A/c.No. 1789115000000370, IFSC.No. KVBL0001789, within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate, Needamangalam, 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for the interrogation;

(d) the petitioner shall not commit any offences of

(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/-
25/01/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

6 RAMALINGA ADIGALAR,
2/263, B.SUSILA NAGAR, 2ND STREET,
KOVILAMBAKKAM, CHENNAI-600 129, A/C.NO.
1789115000000370, IFSC.NO. KVBL0001789

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

CRL OP.1040/2021

Date :25/01/2021

MN-27/01/2021



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