

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2230 of 2021

Siva

... Petitioner

Vs.

State by

The Inspector of Police,
Rayakottai Police Station,
Krishnagiri Dt.

(Crime No.03 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.03 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.01.2021 for the offence punishable under Sections 379 of I.P.C. in Crime No.03 of 2021 on the file of respondent, seeks bail.

2. The case of the prosecution is that the petitioner is a driver of the tractor. On the date of occurrence, while the respondent police was in regular ride at Odiyanahalli to Panjapalli Road, they found that the petitioner said to have transported 1 unit of sand illegally in the tractor without having valid license and permission from the Government. Hence, the criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 06.01.2021. Now, he has filed this petition seeking for bail.

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 he has been falsely implicated as accused in this case and he was in judicial custody for more than one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is the driver of the tractor and he has transported 1 unit of sand illegally without having valid license and permission from the Government authority. She has further submitted that there is no previous case pending against the petitioner. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, there is no previous case pending against the petitioner, and also considering the period of incarceration suffered by the petitioner from 06.01.2021, 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 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, Denkanikottai 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 as and when required for interrogation;

(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

(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 is ordered.

-sd/-
10/02/2021

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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB-JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to Mr.M.Jayachandran Advocate on payment of necessary charges

CRL OP.2230/2021

Date :10/02/2021

MK:11/02/2021