

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2947 of 2021

R. Vijayaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.70 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.70 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 24.01.2021 for the offence punishable under Sections 379 of IPC r/w/ 21(4) Mines and Minerals (Development & Regulation) Act 1957 in Crime No.70 of 2021, seeks bail.

2. Totally there are two accused and the petitioner is A1. The case of the prosecution is that the petitioner along with other accused have illegally transported 20 granite stones in a lorry. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is only the driver of the lorry and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case only for statistical purpose. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that case properties were recovered and there is no previous case pending as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and also the fact that entire case properties have been recovered and also the fact that no previous case is pending as against the petitioner and also considering the period of incarceration suffered by the petitioner, 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 No.V, Salem, 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 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 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/-
17/02/2021

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 NO.V,
SALEM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KONDALAMPATTY POLICE STATION,
SALEM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, OMLAUR.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO. 1741

WEB COPY

CRL OP.2947/2021

Date :17/02/2021

MN-18/02/2021