

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3366 of 2021

Dharmaraj

... Petitioner

Vs.

State by

The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District.
(Crime No.177 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.177 of 2021 on the file of respondent police.

For Petitioner : Mr. N.Palanivel

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

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 05.02.2021 for the offence punishable under Sections 379 of I.P.C., in Crime No.177 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused said to have transported one unit of sand without having valid license. Hence, the criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 05.02.2021. Now, he has filed this petition seeking 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. On instruction, he would further submit that without prejudice to his rights 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 quantity of sand involved is one unit. He has further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the

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.10,000/- (Rupees Ten Thousand only) to the Dolour's High School for the Deaf, Ponmalaipatti, Trichy-620 004, (Contact : St. Josephine Mary - 90981 73241) A/c.No.700188917 IFSC.No. IDIB000G011, without prejudice to his rights and contentions 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 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) Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall deposit/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Dolour's High School for the Deaf, Ponmalaipatti, Trichy-620 004, (Contact : St. Josephine Mary - 90981 73241) A/c.No.700188917 IFSC.No. IDIB000G011 and 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, Tiruthuraipoondi, 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. and thereafter, 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.

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

-sd/-

22/02/2021

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,
TIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUTHURAIPOONDI

6 THE DOLOUR'S HIGH SCHOOL FOR THE DEAF,
PONMALAIPATTI, TRICHY-620 004,
(CONTACT : ST. JOSEPHINE MARY - 90981 73241)
A/C.NO.700188917 IFSC.NO. IDIB000G011,

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges
Sr.2027

CRL OP.3366/2021

Date :22/02/2021

RVR 23/02/2021