

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4428 of 2021

Arulkumar @ Arunkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Thalaivasal Police Station
Salem District.
(Crime No.112 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.112 of 2021 on the file of respondent police.

For Petitioner : Mr.M.R.Jothimanian

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

ORDER

(The case has been heard through video conference)

Totally, there are 10 accused and the petitioner is arrayed as A10. The petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 379, 420 of I.P.C. and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.112 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, all the accused have illegally quarried sand in the agricultural land without having valid permission and kept 60 units of sand in the field. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 03.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is a son of JCB owner and the JCB said to have involved in a quarry. He would submit that now the petitioner, who is a student studying in Engineering college, has been falsely implicated in the present case. He would submit that he is an innocent person and he is no way connected with the offence as

alleged in the complaint. He would submit that he was in jail from 03.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that totally, there are 10 accused and now A1 was arrested and released on bail. She would submit that there is a proposal to detain A2 under the Act 14, 1984. All the accused have illegally quarried sand and more than 60 units of sand was kept in the agricultural land. She would submit that now the investigation is also completed and there is no previous case pending against the petitioner. Hence, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, the petitioner is a student studying in an Engineering college, he is son of JCB owner, now the investigation is almost completed, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 03.02.2021, 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 No.II, Attur, Salem 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, after his release from prison, 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.

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

-sd/-
05/03/2021

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.II,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.M.R.JOTHIMANIAN Advocate on payment of necessary charges SR NO. 2832

WEB COPY

CRL OP.4428/2021

Date :05/03/2021

MN-08/03/2021