

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4435 of 2021

Rajasekar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Nannilam Police Station,
Thiruvarur Dt.
(Crime No.207 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.207 of 2021 on the file of respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 19.02.2021 for the offence punishable under Sections 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.207 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police doing vehicle checkup, they found that the petitioner has transported river sand in sack bags illegally in his TATA Ace vehicle. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 19.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner 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 has been falsely implicated in the present case. He would submit that he was in jail from 19.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has transported river sand in sack bags illegally without valid license. 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.

5. Taking into consideration of the fact that, the investigation is completed, there is no previous case pending against the petitioner, and also considering the period of incarceration suffered by the petitioner from 19.02.2021, 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 District Munsif cum Judicial Magistrate, Nannilam, 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 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/-
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANNILAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
SUB JAIL, NANNILAM.

+1 CC to W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.2824.

WEB COPY

CRL OP.4435/2021

Date :05/03/2021

EP-08/03/2021