

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5234 of 2021

1. Santhosh @ Santhoshkumar
2. Barathi

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Koradacherry Police Station,
Thiruvarur Dt.
(Crime No.211 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.211 of 2021 on the file of Respondent police.

For Petitioners : Mr.M.Jaikumar

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

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A3 and A4. The petitioners, who were arrested and remanded to judicial custody on 01.03.2021 for the offence punishable under Sections 430, 379 of I.P.C. r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.211 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners said to have transported one unit of sand in Eichor Tractor without having valid license. Hence, the criminal case has been registered against the petitioners and they were arrested and remanded to judicial custody on 01.03.2021. Now, they have filed this petition seeking bail.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the offence. He would submit that they have been falsely

implicated as accused in this case. On instruction, he would further submit that without prejudice to their rights and contentions, they are 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 bad antecedents against the petitioners. However, he opposed to grant bail to the petitioners.

5. In order to curb the illegal transportation of sand and taking into consideration of the voluntary submission made by the petitioners offering to deposit or to pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioners may be directed to deposit/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Chitralaya Seva Trust Children, A/c.No.11287812403, IFSC.No. SBIN0002199 (Contact : 94861 13922), without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 bad antecedents against the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

(a) Accordingly, the petitioners are ordered to be released on bail on condition that the petitioners shall deposit/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Chitralaya Seva Trust Children, A/c.No.11287812403, IFSC.No. SBIN0002199 (Contact : 94861 13922) and to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvavur, 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 petitioners, on their release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation

or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

16/03/2021

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,
THIRUVARUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
SUB JAIL, THIRUTHURAIPOONDI.

6 Chitralaya Seva Trust Children,
A/c.No.11287812403, IFSC.No. SBIN0002199
(Contact : 94861 13922)

+1 CC to M/S.M.JAIKUMAR Advocate on payment of necessary charges
SR.NO.3418.

CRL OP.5234/2021

Date :16/03/2021

EP-17/03/2021



WEB COPY