

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6027 of 2021

1. Parthasarathy
2. Viji
3. Madhankumar

... Petitioners

Vs.

State by
The Inspector of Police,
Nallur Police Station,
Namakkal District.
Crime No.166 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner pending investigation in Crime No.166 of 2021 on the file of the respondent police.

For Petitioner : Mr.W. Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation)Act 1957 in Crime No.166 of 2021, seek bail.

2. Totally, there are 7 accused and the petitioners are A2, A3 and A4. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused said to have illegally transported two units of sand in two lorries without having valid license and Government permission, and the respondent police had seized the vehicle. Hence, the criminal case has been registered against the petitioners.

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 his right and contentions, the petitioners 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 petitioner has transported two unit of sand in two lorries, illegally without having valid license and hence, the respondent police had seized the vehicle. Hence, she 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 a total sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of A/c.No.000101219273, IFSC Code-ICIC0003432, Kaakkum Karangal, ICICI, Santhome High Road, Santhome Branch, Chennai - 28, (G.P.Manoharan, Mobile No-9840068800) without prejudice to his right and contention 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. Considering the said facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) The petitioners are directed to pay a total sum of Rs.20,000/- (Rupees Twenty Thousand only) either through RTGS/NEFT or in cash in favour of Kaakkum Karangal, ICICI, Santhome High Road, Santhome Branch, Chennai- 28, 000101219273, IFSC Code-ICIC0003432, within fifteen (15) days from the date of receipt of a copy of this order.

(b) On such deposit, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathi, and on further conditions that:

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-

26/03/2021

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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR POLICE,
NALLUR POLICE STATION,
NAMAKKAL DISTRICT.

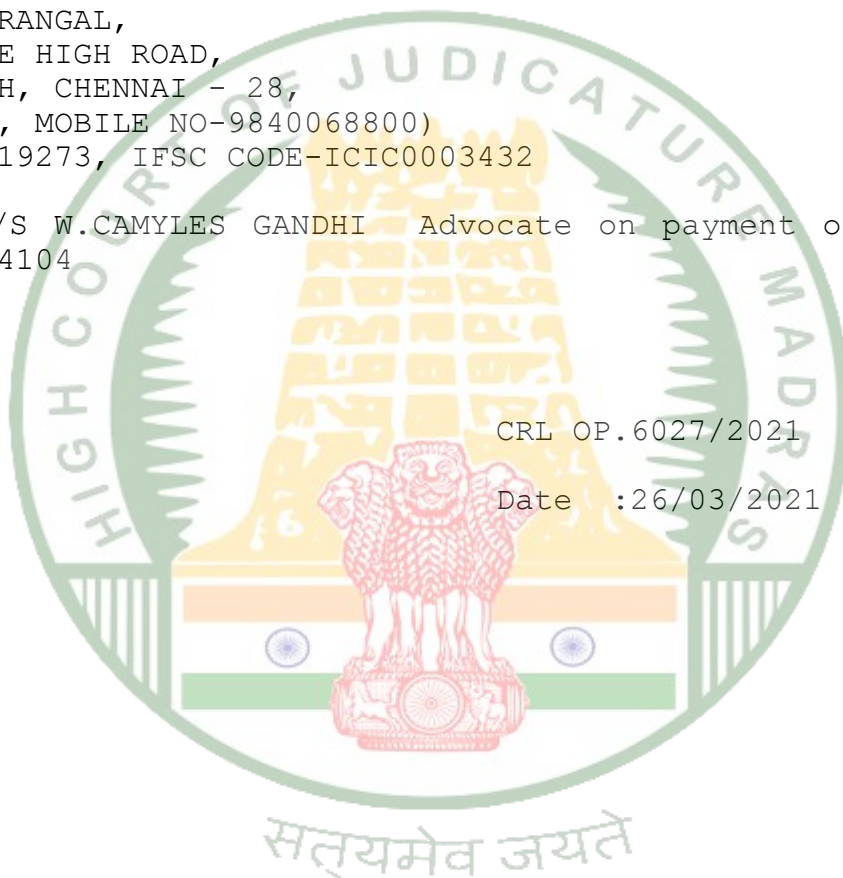
6 KAAKKUM KARANGAL,
ICICI, SANTHOME HIGH ROAD,
SANTHOME BRANCH, CHENNAI - 28,
(G.P.MANOCHARAN, MOBILE NO-9840068800)
A/C.NO.000101219273, IFSC CODE-ICIC0003432

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No.4104

cs 29/03/2021

CRL OP.6027/2021

Date :26/03/2021



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