

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7685 of 2021

Ramesh

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Vellore North Police Station, (L & O)
Vellore District.
(Crime No.195 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.195 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Silambuselvan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 08.03.2021 and remanded to judicial custody for the offences under Sections 379,430 of I.P.C r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act of I.P.C in Cr.No.195 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner illegally transported ¼ unit of river sand in the van. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and has been in jail from 08.03.2021. On instructions, learned counsel further submits that without prejudice to his defence and

contentions, the petitioner, on his own volition, is ready to deposit Rs.25,000/- to the Mineral Foundation Trust and ready to pay Rs.75,000/- to Government Hospital Vellore. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner illegally transported $\frac{1}{4}$ unit of river sand in the van. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has wilfully and on his own volition agreed to pay cost, as may be ordered by this Court, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail, on condition that the petitioner shall 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.4, Vellore and on further condition that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to to the credit of the concerned District Mineral Foundation Trust and Rs.75,000/- (Rupees Seventy-Five Thousand Only) in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Vellore " for the purpose of treatment of Covid-19 patients. The said payments shall be made through NEFT/RTGS/Cash/Demand Draft and acknowledgement of payment shall be produced before the Judicial Magistrate No.4, Vellore, at the time of release on bail;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2021

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.4, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION (L AND O),
VELLORE DISTRICT.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
VELLORE.

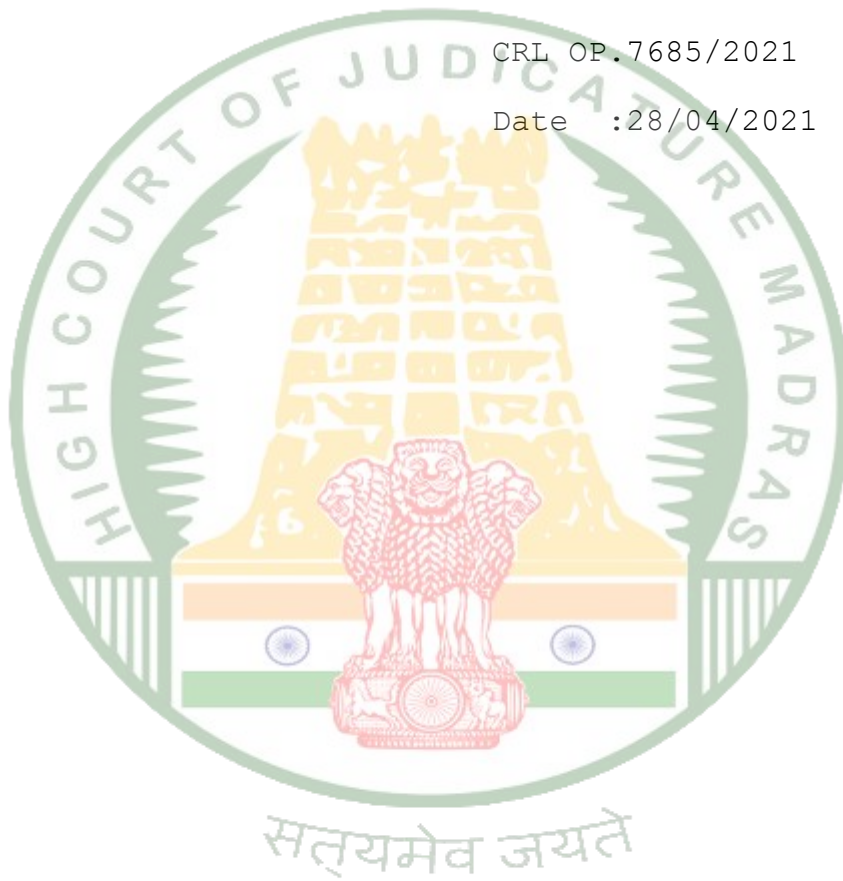
7 THE MEDICAL SUPERINTENDENT/
AUTHORISED OFFICER,
GOVERNMENT HOSPITAL,
VELLORE FOR THE PURPOSE
OF TREATING COVID-19 PATIENTS

+1 CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary
charges SR.No.5500

CRL OP.7685/2021

Date :28/04/2021

cs 29/04/2021



WEB COPY