

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8546 of 2021

1. Ramalingam
2. Ramana
3. Balaji
4. Rajendran

... Petitioners

Vs.

The State Rep by
The Sub-Inspector of Police,
Polur Police Station,
Tiruvannamalai.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.239 of 2021 on the file of the respondent.

For Petitioners : Mr.N.R.Elango
Senior Counsel for Mr.A.S.Aswin Prasanna

For Respondent : Mr.Charles Premkumar
Government Advocate

O R D E R

(The case has been heard through video conference)

Heard Mr.N.R.Elango, learned Senior Counsel appearing for petitioners and Mr.Charles Premkumar, learned Government Advocate appearing for respondent.

2. The petitioners were arrested and remanded to judicial custody on 21.04.2021 for the alleged offences under Sections 379, 430 IPC and Section 21(1) of Mines and Minerals Act in Crime No.239 of 2021. They seek bail.

3. The case of the prosecution is that the petitioners were found in possession of huge quantity of river sand (106 Units).

4. The learned Senior Counsel appearing for the petitioners would submit that the so called contraband represented minerals lifted from patta land and the character of river sand has been falsely attributed. He would further submit that the petitioners are not having any other previous case against them.

5. This Court is of the view that the continued incarceration of the petitioner is not going to serve any purpose and hence, I am 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 to execute a separate 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, Polur 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 shall not commit any offences of similar nature;

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

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

(f) 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];

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

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

-sd/-

05/05/2021

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,
POLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

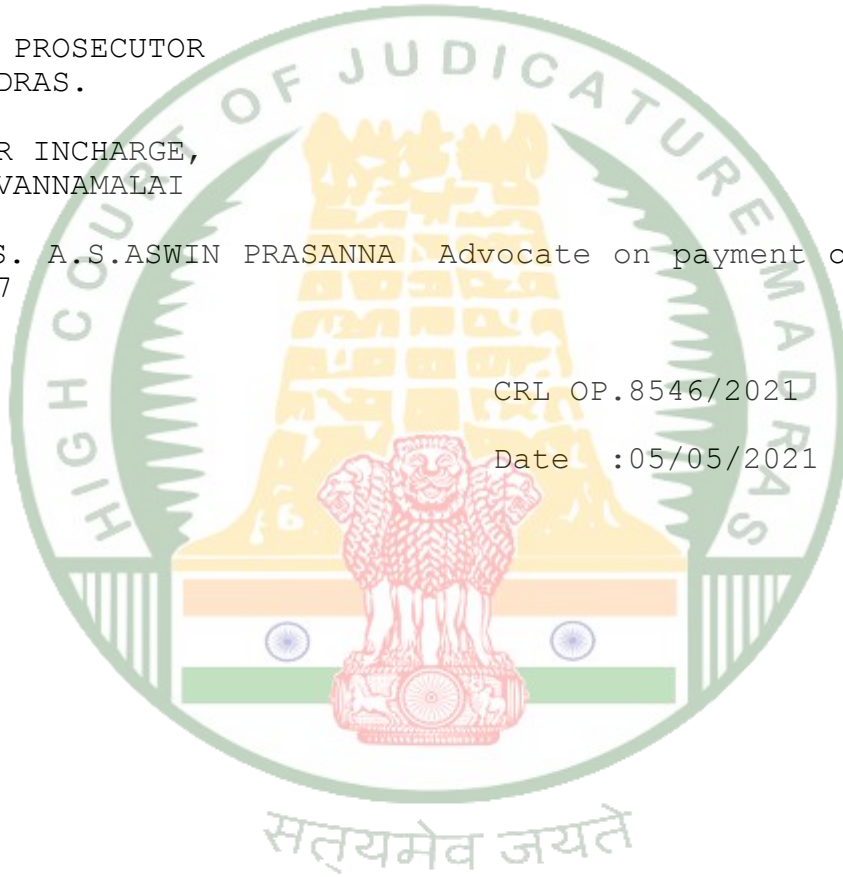
5 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI

CC to M/S. A.S.ASWIN PRASANNA Advocate on payment of necessary
charges Sr.5827

CRL OP.8546/2021

Date :05/05/2021

RVR 06/05/2021



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