

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

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

Cr1.O.P.No.8540 of 2021

Govindasamy

... petitioner

Vs.

State rep. By
Sub-Inspector of Police
Polur Police Station
Tiruvannamalai.
Crime No.239 of 2021.

... Respondent

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

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

For Respondent : Mr.Charles Premkumar
Government Advocate

ORDER

(The case has been heard through video conference)

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

2. The petitioner was 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 (Development and Regulation) Act, 1957 in Crime No.239 of 2021. He seeks bail.

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

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

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 petitioner is 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 petitioner shall not commit any offences of similar nature;

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

(e) the petitioner 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 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];

(g) 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/-
05/05/2021

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
TIRUVANNMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP.BY
SUB-INSPECTOR OF POLICE, POLUR POLICE
STATION, TIRUVANNMALAI.CR.NO.239 OF 2021.

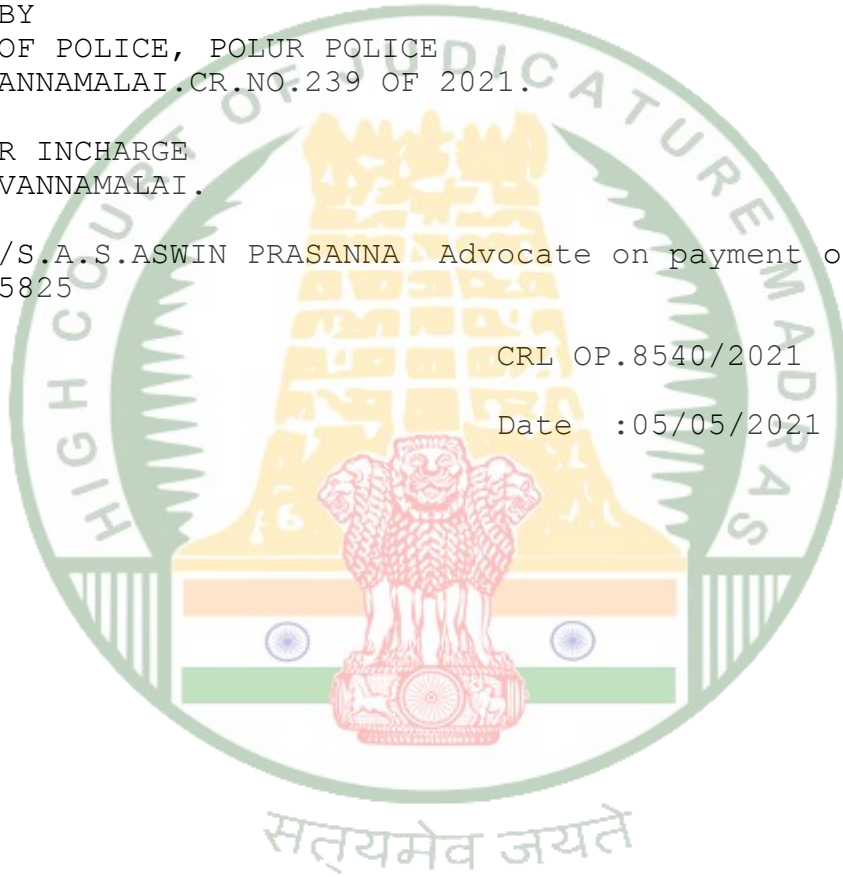
5 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNMALAI.

+1 CC to M/S.A.S.ASWIN PRASANNA Advocate on payment of necessary
charges SR.NO.5825

CRL OP.8540/2021

Date :05/05/2021

TA-06/05/2021



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