IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 12.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9013 of 2021

Balasubramanian ... Petitioner/Sole Accused

Vs

State by
The Inspector of Police,
Perugavazhanthan Police Station,
Thiruvarur District
Crime No.243 of 2021 ... Respondent/Complainant

For Petitioners: Mr.Swamisubramanian

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the Petitioner/Sole Accused on bail pending investigation in Crime No.243 of 2021 on the file of the Respondent Police.

ORDER

The petitioner, who was arrested on 29.04.2021 for the offences punishable under Sections 379 of IPC and in section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.243 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.04.2021, the petitioner was charged for illegal transportation of ½ unit of sand in a vehicle bearing registration No.TN50-J-9705.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and falsely implicated in this case and tested positive for Covid-19 and seeks bail.

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4.The learned Additional Public Prosecutor appearing for the respondent also concedes that the petitioner was tested positive for Covid-19.

5. Considering his ill-health and he is in judicial custody from 29.04.2021, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on executing 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.II, Mannargudi and on further condition that:

a)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.

b)the petitioner shall report before the respondent police daily as and when required.

c)the petitioner shall not abscond either during investigation or trial.

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

e)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].

f)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

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Date :12/05/2021

MN-13/05/2021

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