

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9054/2021

Desikamani

.. Petitioner

Versus

State rep.by
The Inspector of Police
Virudampet Police Station,
Vellore District.
[Crime No.115/2021]

.. Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in Crime No.115/2021 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

- (1) The petitioner, who was arrested and remanded to judicial custody on 20.03.2021 for the offences punishable under Sections 294[b], 353, 379, 430, 307 and 506[ii] of IPC read with Section 21[1] of Mines and Minerals [Development & Regulation] Act, 1957 in Crime No.115/2021 on the file of the respondent police, seeks bail.
- (2) The case of the prosecution is that on 20.03.2021, when the Patrolling police intercepted the bullock cart of the petitioner, he was found in transporting river sand illegally and during the course of enquiry, the petitioner had thrown the hoe on the Investigating Officer and committed the offence. Hence, the complaint.

- (3) The learned counsel for the petitioner submitted that the petitioner is innocent and he is in judicial custody from 20.03.2021 and he seeks the release of the petitioner on bail. The learned counsel would further submit that during the pendency of this bail petition, the father of the petitioner had expired on 21.04.2021 and therefore, the petitioner was granted interim bail to attend the funeral ceremony and he surrendered on 04.05.2021 and since other rituals are to be performed, the learned counsel for the petitioner prays for release of the petitioner on bail.
- (4) The learned Additional Public Prosecutor strongly opposes this petition on the ground that the petitioner has got three previous cases of similar nature pending against him and hence, prays for dismissal of this petition.
- (5) It is seen from the submissions that the material part of the investigation in this case is over.
- (6) Considering the facts and circumstances of the case and also of the fact that the father of the petitioner died during pendency of this petition and also the duration of incarceration undergone by him, this Court is inclined to grant bail to the petitioner subject to stringent conditions.
- (7) Accordingly, the petitioner is ordered to be released on bail on his 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.III, Vellore, Vellore District 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 at 10.00 a.m. and 5.00 p.m., until further orders.
 - 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
VELLOURE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE, VIRUDAMPET POLICE
STATION, VELLORE DISTRICT. CRIME NO115/2021

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9054/2021

Date :12/05/2021

rg.13.05.2021

WEB COPY