

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9301 of 2021

1.Ayyappan

2.Rajan

... Petitioners/ Accused-2 and 3

Vs.

The State rep. by
Inspector of Police,
Poraiyar Police Station,
Nagappattinam District.
(Crime No.204 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner on bail in Crime No.204 of 2021 on the file of Respondent Police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 20.04.2021 for the offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.204 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 20.04.2021 around 05.00 A.M. the petitioners had illegally transported 3 units of Savudu Sand in their Ashok Leyland Vehicle bearing Registration No.TN 65 Z 7578. Hence, the complaint.

3. The learned counsel appearing for the petitioners contended that the petitioners are innocent persons and they had been in the Judicial Custody since 20.04.2021 and hence, seek release on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed the bail petition on the ground that the investigation in Crime No.204 of 2021 is yet to be concluded and therefore, prayed for dismissal of the bail petition.

5.The accused has been in judicial custody since 20.04.2021 and most part of the investigation should have been completed by now. In the said circumstances, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) The Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Sub-Jail, Nagapattinam and thereafter on their release;

(b) The Petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum each to the satisfaction of the District Munsif-cum-Judicial Magistrate, Tharangambadi within a period of 15 days from the date of the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioners shall report before the respondent Police daily at 10.30 A.M. until further orders.

(e) the Petitioners shall not commit any offences of similar nature;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) the Petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) 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/-
19/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges

WEB COPY

CRL OP.9301/2021

Date :19/05/2021

cs 24/05/2021