

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.9471 of 2021

Devendhiran

... Petitioner

Versus

The state represented by,
Sub-Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
Crime No.310 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner herein on Bail in connection with the Crime No.310 of 2021 on the file of the respondent/police and thus render justice.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through Video Conference)

The petitioner who was arrested on 05.05.2021 and remanded to judicial custody for the offences under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act in Crime No.310 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner illegally transported 2 unit of river sand in the tipper lorry. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and has been in jail from 05.05.2021. On instructions, learned counsel further submits that without prejudice to his defence and contentions, the petitioner, on his own volition, is ready to deposit Rs.40,000/- to the Mineral Foundation Trust. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner illegally transported 2 unit of river sand in the tipper lorry. He would further submit that investigation is almost completed.

5.Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, and also the fact that the petitioner, on his own volition and willingness is ready to pay cost as may be ordered by this Court to any charitable institution, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of the Sub Jail, Mannargudi, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Judicial Magistrate, Needamangalam;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond long with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d) the petitioner shall deposit a sum of Rs.40,000/- (Rupees forty thousand only) to the credit of the concerned District Mineral Foundation Trust. The said payment shall be made through NEFT/RTGS/Cash/Demand Draft and acknowledgment of payment shall be

produced before the Judicial Magistrate, Needamangalam at the time of release on bail;

(e)the petitioner and 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;

(f)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(i) 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]; and;

(j)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/05/2021

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,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

WEB COPY

3 THE OFFICER INCHARGE
SUB-JAIL, MANNARGUDI.

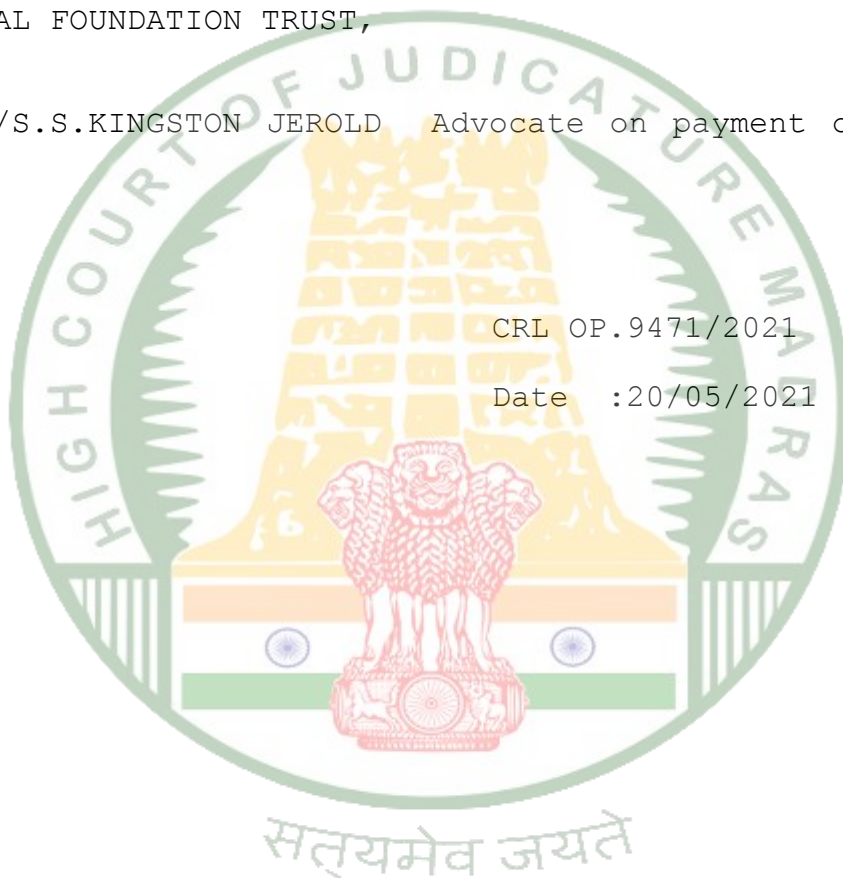
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR.

CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary
charges

cs 26/05/2021



CRL OP.9471/2021

Date :20/05/2021

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