

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9633 of 2021

1. Ramesh
2. Varadharaj
3. Chinnadurai

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Kunnam Police Station
Perambalur District.
Crime No.229 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.299 of 2021 on the file of the respondent police.

For Petitioners : Mr.G.Ilamurugu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

ORDER

The petitioners who were arrested on 24.05.2021 and remanded to judicial custody for the offences under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act 1957 in Crime No.299 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 petitioners illegally digging the 1/2 unit of river sand from Sinnaru River and transported through their bullock-cart. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and they had been in jail from 24.05.2021.

4. The learned Government Advocate vehemently opposed the grant of bail by stating that the petitioners illegally transported 1/2 unit of river sand through their bullock-cart. He would further submit that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed, period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Jailor, Sub Jail, Perambalur in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum amount to the satisfaction of the learned Judicial Magistrate, Perambalur. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners are not able to execute bond within the specified time, the petitioners shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Perambalur.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioners shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) He/she shall not influence, threaten or coerce witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

-sd/-
27/05/2021

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, PERAMBALUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

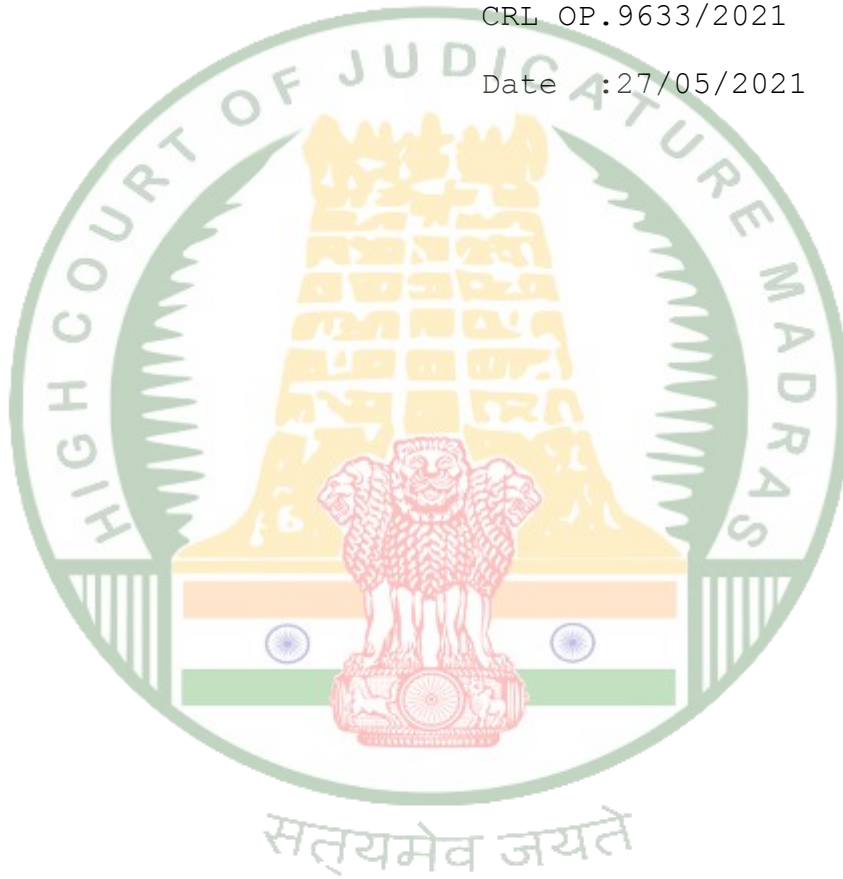
5 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

+1 CC to M/S.G.ILAMURUGU Advocate on payment of necessary charges
SR.No.6320

CRL OP.9633/2021

Date :27/05/2021

cs 27/05/2021



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