

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10153 of 2021

Kodinathan

... Petitioner/Accused (A3)

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
In Crime No. 175 of 2021

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.175 of 2021, on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.04.2021, for the offence punishable under Sections 379, 294(b), 341, 353, 307, 148, 147 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.175 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal transportation of 3/4th unit of sand by using tipper lorry along with other accused persons without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. On instruction, he

would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,000/- to Madras High Court Advocate Clerks Welfare Association. Further he submits that the petitioner is in judicial custody from 19.04.2021 and hence, he seeks bail for the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused persons were found in illegal transportation of 3/4th unit of sand illegally without any valid license. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner and also considering the fact that the petitioner is in judicial custody from 19.04.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) directly to Madras High Court Advocate Clerks Welfare Association, SB.A/c.No.484077244, IFSC Code.No. IDIB000M157 and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two sureties, out of which one shall be a blood related surety, for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif cum Judicial Magistrate, Vedaranyam within a period of fifteen days from the date of lifting of lockdown and commencement of regular functioning of court below, failing which the bail granted by this Court shall stand dismissed.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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].

[g] 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/-

10/06/2021

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 AND SESSIONS JUDGE,
NAGAPATTINAM.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

4 THE OFFICER INCHARGE
DISTRICT JAIL, NAGPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

7 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION,
SB.A/C.NO.484077244,
IFSC CODE.NO. IDIB000M157

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

CRL OP.10153/2021

Date :10/06/2021

cs 11/06/2021