

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10319 of 2021

1. Alukkukumar @ Saikumar
2. Karthikeyan
3. Jegadeesan

... Petitioners

Vs.

State Rep by,
The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
(Crime No.516 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.516 of 2021 on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioners who were arrested on 04.06.2021 and remanded to judicial custody for the offences under Section 379 of I.P.C r/w Section 21(2) of Mines and Minerals (Development and Regulation) Act of I.P.C in Cr.No.516 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioners have illegally transported 1 unit of river sand. 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 has been in jail from 04.06.2021. On instructions, learned counsel further submits that without prejudice to his defence and contentions, the petitioners, on his own volition, is ready to deposit Rs.25,000/- to the Mineral Foundation Trust and ready to deposit Rs.75,000/- in favour of District Medical Officer, Government Hospital Tiruvarur, for treating Covid-19 patients Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate(Crl side) vehemently opposed the grant of bail by stating that the petitioners have illegally transported 1 unit of river sand. 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 petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have wilfully and on his own volition agreed to pay cost, as may be ordered by this Court and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners.

(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, Nannilam, 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 No.II, Mannargudi, Thiruvvarur District'.

(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 week therefrom before the concerned Magistrate for extension of time for executing the bond along 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to to the credit of the concerned District Mineral Foundation Trust and Rs.75,000/- (Rupees Seventy-Five Thousand Only) in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Thiruvavarur" for the purpose of treatment of Covid-19 patients. The said payments shall be made through NEFT/RTGS/Cash/Demand Draft and acknowledgement of payment shall be produced before the Judicial Magistrate No.II, Mannargudi, Thiruvavarur District, at the time of release on bail;

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

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

(h)the petitioners 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 petitioners 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/-

15/06/2021

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 JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, NANNILAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR.

7 THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL, THIRUVARUR
FOR THE PURPOSE OF TREATMENT
OF COVID-19 PATIENTS.

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

CRL OP.10319/2021

Date :15/06/2021

cs 16/06/2021

WEB COPY