

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.11770 and 11690 of 2021

S.Arun Prakash ... Petitioner in Crl.O.P.11770/2021

Selvakumar ... Petitioner in Crl.O.P.11690/2021

Vs.

The State Rep. by
The Inspector of Police,
Arumbavoor Police Station,
Perambalur District.
(Crime No.426 of 2021) ... Respondent in both Crl.O.Ps.

Common Prayer: Petitions filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in Crime No.426 of 2021 for the offence under Sections 143, 286, 337, 379 of IPC r/w. Sections 3 and 6 of Explosive Substances Act, 1908 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 on the file of the respondent police.

For Petitioners: Mr.G.Ilamurugu

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

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 25.06.2021 for the offence under Sections 143, 286, 337, 379 of IPC r/w. Sections 3 and 6 of Explosive Substances Act, 1908 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.426 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that due to the quarry activities carried out by the petitioners along with the other accused in a Government poromboke land, one person lost his life.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution.

He further submitted that the petitioners and the other accused, without prejudice to their rights, jointly deposited a sum of Rs.5 Lakhs in the account of the legal heirs of the deceased on 09.07.2021.

4.The learned Government Advocate (Crl. Side) submits that account has been opened in the name of the legal heirs of the deceased and amount has been deposited.

5.Considering the fact that the accused, without prejudice to their rights, have jointly deposited a sum of Rs.5 Lakhs in the account of the legal heirs of the deceased, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on the following conditions:

(a) the petitioner in Crl.O.P.11770 of 2021 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of Sub Jail, Jayamkondan, and, the petitioner in Crl.O.P.11690 of 2021 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of Central Jail, Trichy, in which the petitioners are confined and on such execution the petitioners shall be released from prison;

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

(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 petitioners are permitted to file appropriate petition within a period of four weeks 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 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;

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

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

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

(h) 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 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;

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

-sd/-
12/07/2021

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 INSPECTOR OF POLICE,
ARUMBAVOOR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

6 THE OFFICER INCHARGE,
SUB JAIL, JAYAMKONDAN.

+2 CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges
SR.NOs. 7267, 7268.

CRL OP.11770 & 11690/2021

Date :12/07/2021

MN-13/07/2021



WEB COPY