



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21787 of 2021

Nahendran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.424 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.424 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.N.S.Suganthan
Government Advocate

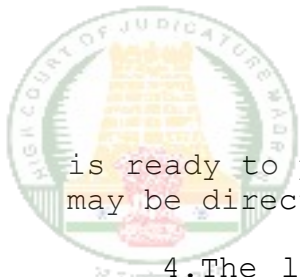
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offence under Section 379 IPC and Section 21(1) of Mines and Minerals Act 1957, in Crime No.424 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.11.2021, the petitioner was found illegally transporting 3 units of Norambu Soil without any valid permit by using Tipper lorry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the driver of the vehicle and he is no way connected with the above said offence and he has been suffering incarceration from 07.11.2021. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, on his own volition,



is ready to pay a sum of Rs.20,000/- to any Charitable institution as may be directed by this Court.

4.The learned Government Advocate would raise objection stating that the petitioner was found illegally transporting 3 units of Norambu Soil without any licence.

5.In order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of the Registered Advocates Clerks Association, Edapadi, Salem District, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6.It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration suffered by the petitioner and the fact that the petitioner is only a driver of the vehicle, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Edapadi, Salem District, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to **(*)the Registered Advocates Clerks Association,Salem District,** without prejudice to his defence before the trial Court and the learned District Munsif cum Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b)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;

(c)the petitioner shall report before the respondent police, every friday at 10.30 a.m. until further orders;



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

(e) the petitioner 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 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;

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

-sd/-

19/11/2021

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.

(*) Being mentioned as per order of this Court dated 23/11/2021. Made in Cr1.O.P.NO.21787/2021.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
EDAPADI, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM



6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION,
TIRUPPUR DISTRICT

(*) 7 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION,
SALEM DISTRICT

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

CRL OP.21787/2021

Date :19/11/2021

APN 22/11/2021

APN 23/11/2021