



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

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

Cr1.O.P.No.22284 of 2021

1.Nallathambi
2.Vignesh

...Petitioners

Vs.

State by
Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No: 259 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No. 259 of 2021 on the file of the Inspector of Police, Thammampatty Police Station, Salem District.

For Petitioners : Mr.K.Balu

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

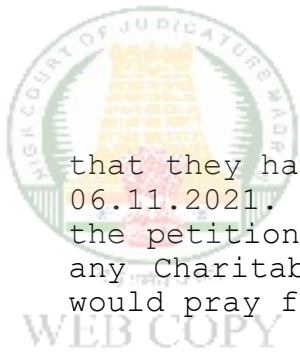
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.11.2021 for the offences under Section 379 of IPC, in Crime No.259 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.11.2021 at about 8.30 hours, when the respondent police were conducting regular vehicle check up at Thammampatty, Vayakkadu Road, the petitioners were found illegally transporting 3 units of Gravel sand by using tipper lorry. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and



that they have been suffering incarceration for more than 10 days from 06.11.2021. However, on instructions, he would further submit that the petitioners are ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are arrayed as A1 and A2 and they are the driver and owner of the vehicle and they illegally transported 3 units of Gravel Sand.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only), to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Institute for treating the patients.

6. It is made clear that the deposit of the amount by the petitioners to the said Institute 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 undergone by the petitioners and the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 Judicial Magistrate-II, Attur, Salem District, and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, through demand draft or RTGS/NEFT bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

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



(e) the petitioners shall not tamper with evidence or 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/-

25/11/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR, CHENNAI-
600020, THROUGH DEMAND DRAFT OR RTGS/NEFT
BEARING A/C.NO.149710011005477, ANDHRA BANK,
MADHYA KAILSH BRANCH.

+1 CC to M/S. K.BALU Advocate on payment of necessary charges
SR.NO.13453

CRL OP.22284/2021

Date :25/11/2021

RW 25/11/2021