



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

CORAM:

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

Crl.O.P.No.23688 of 2021

1.Sakthivel
2.Sundharrajan

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Salem District
Crime No: 431 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.431 of 2021 on the file of the (Thalaivasal Police Station, Salem District) respondent police.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 08.10.2021 for the offences under Section 379 IPC r/w.21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.431 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners were found in illegal transporting of 40 tonnes of dimensional stones in Taurus Lorry bearing Registration No.TN-74-AD-8233 without permission. Hence the complaint.

3. The learned counsel for the petitioners would submit that he has been suffering incarceration from 08.10.2021. He would further submit that the petitioners is ready and willing to pay a sum of Rs.25,000/- 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 (Crl. Side) submits that the petitioners were found in illegal transporting of 40 tonnes of dimensional stones. He further submits that earlier this Court dismissed the bail petition in Crl.O.P.No.22074 of 2021 dated 23.11.2021. However, he opposed for grant of bail to the petitioners.

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.25,000/- (Rupees Twenty Five Thousand Only), to the credit of the Sri Arunodhayam Charitable Trust at Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Authority for the treatment of Mentally retarded Children.

6. It is made clear that the deposit of the amount by the petitioners to the said Authority 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 the period of incarceration undergone by the petitioners and that 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 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 Judicial Magistrate-II, Attur, Salem District, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Sri Arunodhayam Charitable Trust at Chennai, Bank :HDFC bank, Account No: 50100196910687, IFSC Code : HDFC0004221 for the purpose of treating Mentally retarded Children 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;

(d) 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/-

09/12/2021

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 JAIL, SALEM, SALEM DISTRICT.

4 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
THALAIVASAL, SALEM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 SRI ARUNODHAYAM CHARITABLE TRUST AT CHENNAI,
BANK :HDFC BANK, ACCOUNT NO:50100196910687,
IFSC CODE: HDFC0004221

+1 CC to M/S.C.PRAKASAM Advocate on payment of necessary charges
SR.NO.14379

CRL OP.23688/2021

Date :09/12/2021

RW 09/12/2021