



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.24916 of 2021

Elangovan

.. Petitioner

Vs.

State represented by,
The Inspector of Police
Valangaiman Police Station
Tiruvarur District.
(Crime No.1157 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1157 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Ramkumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.12.2021 for the offences under Sections 430, 379 of I.P.C. in Crime No.1157 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.12.2021, when the respondent police officials were on their regular patrol duty, the petitioner was found illegally transporting 1/4 unit of River Sand without any valid license or permission from the Government by using Bullock Cart. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the above said offence and he has been suffering incarceration from 02.12.2021. 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.5,000/- to any Charitable institution as may be directed by this Court.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was found illegally transporting 1/4 units of River Sand using Bullock Cart without any valid document.

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.5,000/- (Rupees Five Thousand Only) to the credit of the Registered Advocates Clerks Association, Tiruvarur 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, 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, for a like sum to the satisfaction of the learned Judicial District Munsif-Cum Judicial Magistrate, Valangaiman, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Registered Advocates Clerks Association, Tiruvarur District, without prejudice to his defence before the trial Court and the learned 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 on every Wednesday 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/-
20/12/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VALANGAIMAN, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

5 THE REGISTERED
ADVOCATES CLERKS ASSOCIATION,
TIRUVARUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.RAMKUMAR Advocate on payment of necessary charges
SR.NO.15241

CRL OP.24916/2021

Date :20/12/2021