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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Cr1.O.P.No.25308 of 2021

Jothibasu

... Petitioner

Vs.

The State Represented by the
Inspector of Police,
Kodavasal Police Station,
Tiruvarur District.
(Crime No.1119 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.1119 of 2021 Kodavasal Police Station, Tiruvarur.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.12.2021 for the offences under Section 379 of IPC, 1860 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1119 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 07.12.2021, when the respondent police were on the patrol duty, they found that the petitioner had illegally transported 100 bags of river sand by using Bolero Pickup without any valid licence. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case.



However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioner has been suffering incarceration for more than 15 days from 07.12.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed to grant bail to the petitioner by stating that the petitioner had illegally transported 100 bags of river sand by using Bolero Pickup without any valid licence.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate, Thiruvavur and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Thiruvavur within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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 petitioner shall report before the respondent police station 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;

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-sd/-
22/12/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
KODAVASAL TALUK, TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI.

5 THE REGISTERED
ADVOCATE CLERKS ASSOCIATION,
THIRUVARUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.MAYILNATHAN Advocate on payment of necessary charges SR.NO.15327

CRL OP.25308/2021

Date :22/12/2021

CSK 22/12/2021