



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.788 of 2022

Narayanamoorthy

... Petitioner

Versus

The State Rep by Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.
(Crime No.359 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail pending investigation in Crime No.359 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.12.2021 for the offence under Section 379 of IPC, in Crime No.359 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 bags of sand (each bag contains 50 kgs) by using two wheeler bearing registration No.TN 29 B 8536, without any valid permission of government authorities. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own



volition, is ready and willing to contribute a sum of Rs.2,000/- to any charitable institution as directed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had illegally transported 3 bags of sand (each bag contains 50 kgs) by two wheeler without any valid permission. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on their release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.2,000/- (Rupees Two Thousand Only) through demand draft to the Registered Advocate Clerks Association, Krishnagiri, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.II, Hosur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;



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

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[h] the petitioner shall not abscond either during investigation or trial;

[i] 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];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/01/2022

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAGARASAMPATTI POLICE STATION,
KRISHNAGIRI DISTRICT



4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION, KRISHNAGIRI.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.788/2022

Date :12/01/2022

JPA 19/01/2022