



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2767 of 2022

Kannadasan

...Petitioner

Vs.

State Represented by its
The Inspector of Police,
Valangaiman Police Station
Valangaiman Taluka, Thiruvarur District.
(Crime No.17 of 2022)

... 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.17 of 2022 on the file of the Inspector of Police, Valangaiman Police Station, Valangaiman Taluka, Thiruvarur District.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Ms.G.V.Kasthuri
(Additonal Public Prosecutor)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.01.2022 for the offences under **Sections 430 and 379 of IPC** in Crime No.17 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and others had taken the river sand using two Bullock Carts without proper license or permission. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 25 days from 08.01.2022. However, on instructions, he further submitted that the petitioner is ready and willing to pay a substantial amount to any



Charitable Institute as may be directed by this Court and would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused was found illegally transporting river sand by using two Bullock Carts without any valid license or permission but she conceded that the petitioner is a first time offender.

5. In order to curb the illegal activities and 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 Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020,** without prejudice to his rights and contentions. The amount so deposited shall be utilised by the said Institute for treating the patients.

6. It is made clear that the deposit of the amount by the petitioner 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 fact above facts and circumstances of the case and the fact that the petitioner is a first time offender and he is in judicial custody from 08.01.2022, 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 his release;

(b) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/- (Rupees Five 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 his defence before the trial Court and **on proof of such deposit,** the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned District Munsif-Cum-Judicial Magistrate, Valangaiman, Thiruvavarur District,** 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 the respondent police on every Tuesday at 10.30 a.m. for a period of two months and thereafter, and when required for interrogation.

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

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/02/2022

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
VALANGAIMAN, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION
VALANGAIMAN TALUKA,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM.

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 KAILASH BRANCH.

+1 CC to M/S. S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.NO.2060

CRL OP.2767/2022

Date :07/02/2022

TA-08/02/2022