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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.2749 of 2022

Amaran

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
(Crime No.28 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.28 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 16.01.2022 for the offences under Sections 430, 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act in Crime No.28 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.01.2022, when the respondent police was involving in regular check-up, this petitioner by using the Lorries bearing registration Nos.TN 21 BF 9326 & TN 83 B 8916 illegally transported 1/2 unit Lake Sand & 1 Unit Lake Sand. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner being the driver of the lorry



during the time of occurrence, as per the direction given by the owner of the vehicle he drove the lorry. Otherwise the petitioner is not having any intention to commit this offences. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Additional Public Prosecutor raised objection stating that during the relevant point of time the petitioner and other accused illegally transported the lake sand without any permission. She vehemently opposed to grant bail to the petitioner.

5. Submissions made by the learned counsel on either side were considered.

6. Considering all these facts, as on now the material object which is necessary for completing the investigation was recovered, the other accused already granted anticipatory bail, hence, in view of the fact the portion of the investigation has been completed, this Court is inclined to grant bail to the petitioner with certain conditions.

7. The petitioner is ordered to be released on bail on their executing separate bonds 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, Sriperumbudur and on further conditions that:

(a) 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;

(b) the petitioner shall deposit Rs.5,000/- (Rupees Five Thousand only) to the credit of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch 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.

(c) the petitioner shall report before the respondent police daily 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/-

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
SUNGUARCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.2052

CRL OP.2749/2022

Date :07/02/2022

RW 08/02/2022