



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2959 of 2022

Siva @ Sivasankar

.. Petitioner

Vs.

The Inspector of Police,
C-2, Sunguvarchathiram Police Station,
Kancheepuram District.
(Crime No.24 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.24 of 2022 on the file of the respondent police.

For Petitioner : Mr.A.Vijayasankar

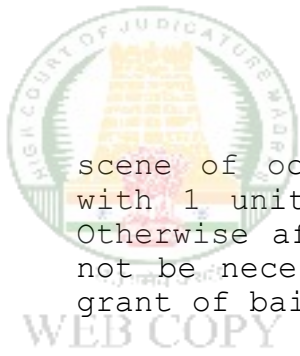
For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on **09.01.2022** for the offences **under Sections 430, 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957** in **Crime No.24 of 2022**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.01.2022 at 02.00 A.M. the respondent police got some information about sand theft in Singlipadi Lake situated at Sunguvarchathiram. Hence the respondent police went there and found that some persons were loading the lake sand in a lorry and some of them watching as guard. The respondent police arrested the A1 to A5 in the scene of occurrence and seized a Ashok Leyland Dost Lorry bearing Registration No.TN 87 C 1903 with 1 unit of Lake sand, further seized a JCB bearing Registration No.TN 82 A 8527 and also two number of two wheelers. 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 submit that during the time of securing the A1 to A5 in the



scene of occurrence, the police seized a Ashok Leyland Dost Lorry with 1 unit of Lake sand, a JCB and two number of two wheelers. Otherwise after made recovery further custody of the petitioner need not be necessary for completing investigation. Hence, he seeks for grant of bail.

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 are all necessary for completing the investigation was recovered, hence, in view of the fact the portion of the investigation has been completed, further custody of the petitioner is not necessary. Hence, 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 10.00 a.m. for the period of 30 days and thereafter as and when requires for interrogation;

(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/-

08/02/2022

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
C-2, SUNGUVARCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, KANCHEEPURAM.

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.V.P.DILLI BABU Advocate on payment of necessary charges SR.NO.2108

CRL OP.2959/2022

Date :08/02/2022

TA-09/02/2022