



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3136 of 2022

1.C.Raja
2.R.Kumar

...Petitioners

Vs.

The State rep. by
The Inspector of Police,
Komaraplalaya Police Station,
Namakkal District.
(Crime No.18 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.18 of 2022 on the file of the respondent police.

For Petitioners : Mr.T.Dhasarathan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 13.01.2022 for the offences under Section 379 of IPC in Crime No.18 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.01.2022 at 00.30 am on receiving a secret information from the defacto complainant one Murugan, Village Administrative Officer, Komarapalayam Village, Namakkal district, respondent police along with village assistant and Tahsildar rushed to the alleged spot and found that the petitioners illegally transported the red soil in two lorries bearing registration number TN 34 P 9192 and TN 52 J 5779. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been no way connected with the alleged occurrence. He further submits that



petitioners are the first offenders and they are in judicial custody from 13.01.2022 onwards. Hence, prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that during the relevant point of time, the petitioners along with others transported three units of red soil. However she admits, as of now, portion of investigation has been completed.

5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the alleged offence under Section 379 of IPC. As per the representation made by the learned Additional Public Prosecutor, the vehicle, which was used for the commission of occurrence have been recovered, the portion of the investigation has been completed. Accordingly, further incarceration of the petitioners is not necessary for completing the investigation. Taking note of the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions. Accordingly, petition is allowed.

(a) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Komarapalayam.

(b) the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Adayar cancer institute, chennai.

(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 petitioners shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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

(f) 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 petitioners 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];

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



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

-sd/-
10/02/2022

WEB COPY

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,
KOMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE ADAYAR CANCER INSTITUTE,
CHENNAI.

+1 CC to M/S.T.DHASARATHAN Advocate on payment of necessary charges SR.NO.2185

CRL OP.3136/2022

Date :10/02/2022

INBA~10/02/2022