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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3218 of 2022

Ayyappan

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
Perlam Police Station,
Thiruvarur District.
(Crime No.43 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.43 of 2022 on the file of the respondent police.

For Petitioners : Mr.M.Rajkumar

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

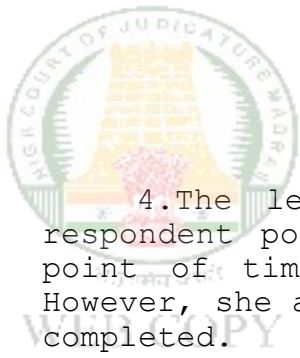
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.01.2022 for the offences under Sections 430, 379 of IPC and Section 21 (1) of MMRD Act 1957, in Crime No.43 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the on 24.01.2022, based on secret information respondent police found that the petitioner illegally transported the $\frac{3}{4}$ unit of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been no way connected to the alleged occurrence. He further submits that petitioner is the first offenders and he is in judicial custody from 24.01.2022 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 petitioner transported $\frac{3}{4}$ units of river sand. However, she admits that, 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 petitioner for the alleged offence under Section 430, 379 of IPC and Section 21 (1) of MMRD Act 1957. As per the representation made by the learned Additional Public Prosecutor, as of now, the portion of the investigation has been completed. Accordingly, further incarceration of the petitioner 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 petitioner, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, petition is allowed.

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

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

(b) 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;

(c) the petitioner 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.

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

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

(f) 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.

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-sd/-
10/02/2022

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,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERLAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE ADAYAR CANCER INSTITUTE,
CHENNAI.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.3218/2022

Date :10/02/2022

CSK 11/02/2022