



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3955 of 2022

Govindharaj

... Petitioner / Accused

versus

The State, represented by
Inspector of Police,
B-1, Dharmapuri Police Station,
Dharmapuri District.
(Crime No.89 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.89 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Selvam

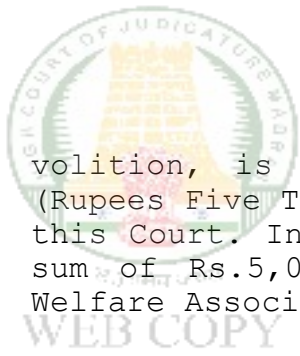
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.01.2022 for the offences punishable under Sections 397 of IPC r/w 21(1), 21(2), 21(4) and 21(6) of Mines and Minerals (Development and Regulation) Act in Crime No.89 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant viz. M.Bhuvaneswari, Assistant Geologist was on regular vehicle inspection, she found that the petitioner was involved in illegal transportation of 1 unit of Jelly in Tractor with Tipper without any valid permission from the concerned authority. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is the driver of the vehicle and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own



volition, is ready and willing to contribute a sum of Rs.5,000/- (Rupees Five Thousand) for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submit that a sum of Rs.5,000/- be given to "Madras High Court Advocate Clerks Welfare Association".

4. The learned Additional Public Prosecutor appearing for the respondent police submits that the stolen property and the vehicle which was used for the commission of offence, have been recovered and the same is in the custody of the police. However, she opposed for grant of bail to the petitioner.

5. Considered the submissions made by the learned counsel on either side. This case has been registered against the petitioner for the offence under Sections 397 of IPC r/w 21(1), 21(2), 21(4) and 21(6) of Mines and Minerals (Development and Regulation) Act. In view of the fact that the stolen property and the vehicle which was used for the commission of offence, have been recovered and further, the petitioner on his own volition is ready and willing to contribute a sum of Rs.5,000/- for the purpose of welfare activities, and also considering the fact that the petitioner, being the driver of the vehicle, is in judicial custody from 31.01.2022 onwards, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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-I, Dharmapuri;

(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) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.5,000/- [Rupees Five Thousand Only] through demand draft in favour of " Madras High Court Advocate Clerks Welfare Association" under necessary acknowledgment. The above contribution is made without prejudice to their defence before the trial court and the petitioner shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

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



(e) the petitioner 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 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];

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

-sd/-

17/02/2022

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,
NO.1, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-1 DHARMAPURI POLICE STATION,
DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER CHARGE,
DISTRICT PRISON, DHARMAPURI.



6 THE MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION,
HIGH COURT, MADRAS.

WEB COPY +1CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.No.2587

CRL OP.3955/2022

Date :17/02/2022

CSK 18/02/2022