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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4164 of 2022

Manoharan

... Petitioner /
Accused

versus

State rep. by Inspector of Police,
Eravanchery Police Station,
Thiruvarur District.
(Crime No.71 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 in Crime No.71 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 02.02.2022 for the offences punishable under Sections 430, 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.71 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found illegally transporting 3 bags of river sand in Honda Activa bearing Registration No.TN-50-AB-1879, without having any valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 02.02.2022 onwards. Hence, he prays for bail.



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 offences under Sections 430, 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. In view of the fact that the stolen property and the vehicle, which was used for the commission of offence, have been recovered and also considering the fact that the petitioner is the first time offender and he is in judicial custody from 02.02.2022 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 District Munsif-cum-Judicial Magistrate, Nannilam;

(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 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;

(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.

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-sd/-

21/02/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

4 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
ADYAR, CHENNAI-600 020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH.

CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.4164/2022

Date :21/02/2022

RW 22/02/2022