



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4316 of 2022

Mahendran

... Petitioner / Accused

versus

The State Represented by the
Inspector of Police,
Valangaiman Police Station,
Valangaiman Taluk,
Tiruvarur District.
(Crime No.115 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.115 of 2022 on the file of the respondent police.

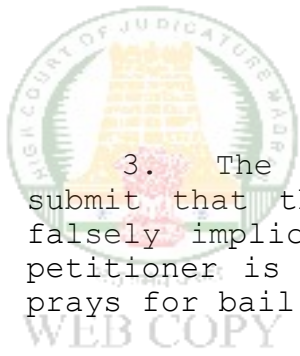
For Petitioner : Mr.S.Mayilnathan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.02.2022 for the offences punishable under Sections 430, 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.115 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.02.2022, the respondent police got some information about sand theft in Kallan river bank. Hence, the respondent police went there and found that the petitioner was loading the river sand in Tata Ace vehicle bearing Registration No.TN-50-AD-2938. 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 12.02.2022 onwards. Hence, he prays for bail.

4. The learned Additional Government Pleader appearing for the respondent police raised objection stating that during the relevant point of time, the petitioner, who is the owner of the Tata Ace vehicle, illegally transported the river sand, without any permission. She vehemently opposed to grant 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(1) of Mines and Minerals (Development and Regulation) Act, 1957. As of now, the material objects, which are all necessary for completing the investigation was recovered and in view of the fact that, a portion of the investigation has been completed, further custody of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with 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, Valangaiman;

(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.25,000/- (Rupees Twenty 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. until further orders;

(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/-
22/02/2022

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, VALANGAIMAN.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
VALANGAIMAN TALUK, TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, THIRUTHURAIPOONDI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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.S.MAYILNATHAN Advocate on payment of necessary
charges SR.NO.2759

CRL OP.4316/2022

Date :22/02/2022

JPA 22/02/2022