



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5457 of 2022

N.Parthasarathi

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Sankari Police Station,
Salem District
(Crime No.71 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.71 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to the judicial custody on 23.02.2022 for the offences punishable under Section 379 of IPC in Crime No.71 of 2022, on the file of the respondent police, seeks bail.

2.Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was arrested for illegal transportation of 6 cubic metre gravel soil in a tipper lorry bearing Registration No.TN 59 BQ 4252 and that the vehicle was seized and the property was recovered.

3.Considering the fact that the vehicle which was used by the accused persons to transport gravel soil has already been seized, bail granted to the petitioner and he is ordered to be released on bail subject to the following conditions;



(a) The petitioner shall deposit Rs.50,000/- (Rupees Fifty Thousand Only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust. On such deposit, the trial court shall release the petitioner on bail receiving a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Sankari;

(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 is directed to report before the Investigating Officer daily at 10.30 a.m. until further orders.

(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 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];

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

4. It is made clear that this bail granted will not stand in the way of the Authorities to initiate confiscation proceedings of the vehicle, viz., Tipper Lorry bearing Registration No.TN 59 BQ 4252 in which the gravel soil has been illicitly transported.

-sd/-
09/03/2022

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.I, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges
SR.NO.3604

CRL OP.5457/2022

Date :09/03/2022

JPA 10/03/2022