



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5633 of 2022

Elumalai

.. Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Manavala Nagar Police Station,
Thiruvallur 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 Crime No.71 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.03.2022 for the offences punishable under Sections 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 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 involved in illegal transportation of 1/2 unit of savudu sand in a bullock cart without any valid permit.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for bail to the petitioner.



4. Considering the facts and circumstances of the case, the petitioner is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruvallur;

(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 appear 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 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.

-sd/-

10/03/2022

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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]



3 THE SUB INSPECTOR OF POLICE,
MANAVALA NAGAR POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR.

6 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVALLUR DISTRICT.

+1CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges SR.No.3709

CRL OP.5633/2022

Date :10/03/2022

CSK 11/03/2022