



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6260 of 2022

R.Ramajayam

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Nannilam Police Station,
Tiruvarur District.
(Crime No.107 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in connection with Crime No.107 of 2022 on the file of respondent police.

For Petitioner : Mr.N.Palanivel

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

O R D E R

The petitioner, who was arrested on 03.03.2022 for the offences punishable under Sections 379 and Section 21(i) of Mines and Minerals Act, in Crime No.107 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.03.2022, when the defacto complainant and their team were on regular patrol, they found that the petitioner illegally transported 5 bags unit of river sand in a two wheeler, without any valid license. Hence, the complaint was lodged before the respondent Police.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is almost completed. However, she admits that there is no previous case pending against this petitioner and the properties are recovered.



5. The submissions made by the learned Counsel on either side are considered.

6. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the concerned District Collector's Fund as non-refundable deposit, without prejudice to their defence before the trial court. On proof of such deposit, the petitioner is ordered to be released on bail to 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. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;

(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 report before the respondent police daily at 10.00 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/-

18/03/2022

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB JAIL, NANNILAM

6 THE DISTRICT COLLECTOR,
THIRUVARUR

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges
Sr.4163

CRL OP.6260/2022

Date :18/03/2022

RVR 18/03/2022