



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7589 of 2022

Padayappa

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.870 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.870 of 2020 on the file of the Inspector of Police, Mohanur Police Station, Namakkal District.

For Petitioner : Mr.S.Parameswaran

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

O R D E R

The petitioner, who was arrested for alleged offence under Section 379 of IPC in Crime No.870 of 2020, on the file of the respondent police, seeks bail.

2. For the alleged offence on 06.11.2020, the petitioner, who is shown as absconding accused was secured on 08.02.2022. The allegation in the F.I.R is that the petitioner has illegally transported three gunny bags of river sand in his TVS 50 vehicle. The vehicle was recovered. However, the petitioner, who was absconding, was secured recently on 08.02.2022.

3.The learned Additional Public Prosecutor appearing for the respondent states that the petitioner has 11 previous cases similar in nature and he is also a history sheeter. However, as far as this case is concerned, he was alleged to have been found in possession of three bags of river sand. Hence, the petitioner is ordered to be released on bail subject to the following conditions;



(a) the petitioner shall deposit Rs.25,000/- (Rupees Twenty Five 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Namakkal.

(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.

-sd/-

04/04/2022

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, NAMAKKAL.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.



4 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. S.PARAMESWARAN Advocate on payment of necessary
charges SR.NO. 5037

CRL OP.7589/2022

Date :04/04/2022

RW 05/04/2022