



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8316 of 2022

Raja

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Moongilthuraipattu Police Station,
Moongilthuraipattu,
Kallakurichi District.
(Crime No.21 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 relating to a case registered a Crime No.21 of 2022, on the file of the respondent police.

For Petitioner : Mr.C.Munusamy

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

ORDER

The petitioner, who was arrested on 16.03.2022 for the offences punishable under Sections 379 in Crime No.21 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 16.03.2022 for illegal transportation of 50 bags of river sand through a Tractor bearing Registration No.TN 20 7650 and a case was registered against this petitioner in Crime No.21/2022 on the file of the respondent police

3.Considering the fact that the vehicle which was used to transport river sand has already been seized, this court is inclined to grant bail to the petitioner. Accordingly, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarapuram.

(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 as and when required.

(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.

4.It is made clear that the grant of bail to the petitioner shall not stand in the way of confiscation proceedings of the vehicle involved in the offence.

-sd/-

11/04/2022

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,
SANKARAPURAM.



2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MOONGILTHURAIPATTU POLICE STATION,
MOONGILTHURAIPATTU,
KALLAKURICHI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ULUNDURPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.C.MUNUSAMY Advocate on payment of necessary charges
SR.No.5545

CRL OP.8316/2022

Date :11/04/2022

CSK 12/04/2022