



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.10672 of 2022

Rajini

... Petitioner

Versus

State rep by
The sub Inspector of Police,
Thalavai Police Station,
Ariyalur District.
(Crime No.19 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.19 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Subramaniyan

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 16.04.2022 for the offences punishable under Sections 379 IPC r/w Section 21(1) & 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.19 of 2022 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner has illegally transported the sand in the Bullock Cart, worth about Rs.2,000/-. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence as alleged by the prosecution and a false case has been foisted against the petitioner. Further he would submit that the petitioner filed bail application before the learned Principal District and Sessions Judge, Ariyalur, which was dismissed on 29.04.2022. Hence, he would pray for grant of bail.

4 The learned Additional Public Prosecutor appearing for the respondent raised objection stating that the petitioner illegally transported the quarter unit of red soil worth about Rs.2,000/-.



Further she would submit that there are four previous cases against the petitioner.

5 Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials placed on record.

6 Considering the facts and circumstances of the case and quantity of the sand and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7 Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sendurai, and on further conditions that:-

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned Judicial Magistrate, Sendurai, on every Monday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

05/05/2022

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,
SENDURAI

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
THALAVAI POLICE STATION,
ARIYALUR DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to R.SUBRAMANIYAN Advocate on payment of necessary charges
Sr.6778

CRL OP.10672/2022

Date :05/05/2022

RVR 05/05/2022