

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11387 of 2022

ARULNANDHA JOSEPH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.66/2022

[RESPONDENT]

For Petitioner : M/S. SWAMISUBRAMANIAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.04.2022 for the alleged offence under Sections 379 and 430 I.P.C r/w section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.66 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was illegally transporting 1/2 unit of river sand in his bullock cart.

3. The previous bail petition was dismissed on 29.04.2022 on the ground that the investigation is at its nascent stage.

4. Heard both the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

5. Taking into consideration the facts and circumstances of the case and also the fact that the entire illegally transporting sand has been seized by the respondent police and petitioner has suffered incarceration for nearly 29 days and as there are no previous cases against the petitioner, the petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District, and on further conditions that:-

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to the Madras Advocate Clerk Association, Chennai, and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[b] the petitioner and the sureties shall affix thier 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.

[c] the petitioner is directed to appear before the respondent police as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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 NO.II,
MANNARGUDI, THIRUVARUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI.

4 THE INSPECTOR OF POLICE,
PERUGAVAZHANTHAN POLICE STATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE MADRAS ADVOCATE CLERK
ASSOCIATION, CHENNAI.

+1 CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary
charges sr.7297

CRL OP.11387/2022

Date :18/05/2022

srg 20/05/2022