



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.11486 of 2022

M.MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.
(CRIME NO.83 OF 2022)

[RESPONDENT]

For Petitioner : M/S. A.SARAVANAN 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 22.04.2022 for the alleged offence under Section 379 of I.P.C. in Crime No.83 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was illegally transporting 3 units of soil, worth Rs.1,134/-.

3.The learned Government Advocate (Criminal Side) submitted that the petitioner was the driver of the lorry and the entire soil has been seized and there are no previous cases against the petitioner.

4.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and the petitioner has already suffered incarceration for nearly 26 days.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 26 days and that the entire soil has been seized, 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 District Munsif-cum-Judicial Magistrate, Edappady 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 respondent police as and when required for interrogation.

[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].

[f] If the accused thereafter absconds, 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.SARAVANAN Advocate on payment of necessary
charges SR.NO.7244

CRL OP.11486/2022

Date :18/05/2022

CSK 19/05/2022