



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13308 of 2022

Sivanandham @ Kattupoonai

..Petitioner

Vs.

State Rep. by
Inspector of Police,
Nannila Police Station,
Tiruvarur District
crime No.251 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.251 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2022 for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act in crime No.251 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner transported 3 bags of river sand using a two wheeler bearing registration No.TN 50 Y 8037 without valid licence. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the quantity of river sand involved is 3 bags. He further submitted that the petitioner has one previous case similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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, Nannilam 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation

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

[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 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/-

09/06/2022

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,
NANNILAM.

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

3 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

4 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO. 8771

CRL OP.13308/2022

Date :09/06/2022

RW-09/06/2022