



Crl.OP.No.15800 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

Crl.O.P.No.15800 of 2022

Madeswaran

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Sooramangalam Police Station,
Salem City.
Crime No.406 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.406 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 24.06.2022 for the offence under Section 379 of IPC, in Crime No.406 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the driver of Taras Lorry bearing Reg.No.TN-52-E-7384. It is alleged that the petitioner had transported Black Granite Stones - 7 Nos. without any valid permission from the concerned authority. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner was arrested and remanded to judicial custody on 24.06.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner had transported Black Granite Stones - 7 Nos. without any valid permission from the concerned authority. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also



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considering the period of incarceration undergone by the petitioner i.e., from 24.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Salem** 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.



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[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.

07.07.2022

Sma

To

1. Judicial Magistrate No.II, Salem
- 2.The Inspector of Police,
Sooramangalam Police Station,
Salem City.
- 3.The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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