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Crl.O.P.No.25108 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.25108 of 2022

Soundhirapandiyan @ Pandiyan

... Petitioner

Vs.

The State, represented by Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
Crime No.252/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to ENLARGE THE PETITIONER ON BAIL in connection with
Crime No.252/2022 pending investigation, on the file of Respondent Police.

For Petitioner : Mr.S.Sekar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.09.2022, for the offences punishable under Sections 430, 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.252 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.09.2022, when the respondent police was on their routine patrol duty, the petitioner was found in illegal transportation of 5 cement bags of river sand in a two wheeler. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case as against the petitioner. He would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.2,000/- to any welfare scheme of the Government. Therefore, he prays for grant of bail to the



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petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that on 23.09.2022, when the respondent police was on their routine patrol duty, the petitioner was found in illegal transportation of 5 cement bags of river sand in a two wheeler. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and also taking note of the fact that the petitioner is prepared to deposit a sum of Rs.2,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions. Merely, because the petitioner has



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deposited the said amount, it would not amount to admission of his guilt.

Therefore, it is open to the trial Court to deal with the case independently.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Needamangalam**, 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., until further orders;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.10.2022

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To

1. The District Munsiff cum Judicial Magistrate,

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Needamangalam.

2. The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
3. The Sub Jail, Thiruthuraipoondi.
4. The Public Prosecutor,
High Court of Madras.



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