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CrI.O.P.No.12444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.12444 of 2023

Senthilkumar

... Petitioner

Vs.

The State represented by
Cheyyar – Police Station,
Tiruvannamalai District.
(Crime No.294 of 2023)

... 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.294 of
2023 on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.05.2023, for the offences punishable under Sections 379 and 430 IPC
in Crime No.294 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.05.2023, while the
respondent police conducted check up at Kodanagar Rive Bed and found the



petitioner illegally transporting $\frac{1}{4}$ unit of river sand in his Bullock Cart and on seeing the police, he ran away from the spot. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner has been in judicial custody from 19.05.2023 and without prejudice to his rights and defence, the petitioner is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme run by the Government as may be directed by this Court and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner without any valid permit, had illegally transported $\frac{1}{4}$ unit of river sand in his Bullock Cart.

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



6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of "The Dean/Medical Officer, Government Hospital, Cheyyar"**, without prejudice to his rights and contentions before the trial Court, on such deposit, 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, Cheyyar, Tiruvannamalai**, 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 everyday 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.

06.06.2023

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To

1. The Judicial Magistrate, Cheyyar.
2. The Inspector of Police
Cheyyar Police Station,
Tiruvannamalai.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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