

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7991 of 2020

Chinnappa

... Petitioner

-Vs-

The State rep. by,
Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
(Crime No.727 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.727 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on

19.05.2020 for the offence punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.727 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent Police, on secret information, conducted enquiry and found the petitioner was illegally transported 3 bags of Savudu Sand by using TVS Super XL Bike and arrested him. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in any offence as alleged by the prosecution. He would submit that the petitioner had only carried 3 bags of savudu sand for his garden. Despite the petitioner explaining the same to the respondent, he was arrested. Further, he would submit that the petitioner was in judicial custody from 19.05.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner transmitted 3 bags of savudu sand in his two wheeler without prior

permit. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 19.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioner has been confined, on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial

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]***;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.05.2020

kmi

Index: Yes/No

Speaking Order: Yes/No

To

1. The Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.
3. The Superintendent,
Sub Jail,
Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

Crl. O.P. No. 7991 of 2020

M. NIRMAL KUMAR, J.

kmi



Crl. O.P. No. 7991 of 2020

WEB COPY

Dated: 29.05.2020