

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.9712 of 2020

Karthik

.. Petitioner

/versus/

State represented by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District,
Crime No.1664 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.1664 of 2020 on the file of the Inspector of Police, Muthupettai Police Station, Tiruvarur District.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.06.2020 for the alleged offence punishable under Sections 379 and 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.1664 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had illegally transported five cement gunny bags of sand in his two wheeler. Hence, a case has been registered against the petitioner.

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. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable organization or association and that the petitioner has been suffering incarceration from 13.06.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent would submit that the petitioner had transported five bags of sand in his two wheeler and that there is no previous case as against the petitioner. However, he opposed for the grant of bail to the petitioner.

5.In view of the fact that there is no previous case against the petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Tamil Nadu Advocate Clerk Association, High Court, Madras and also taking note of the fact the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Tamil Nadu Advocate Clerk Association, High Court, Madras, bearing A/c No.484026006, Indian Bank, High Court Branch, Chennai, IFS Code - IDIB000M157 and on such deposit and production of proof, the petitioner is ordered to be released on bail on executing 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 and on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Thiruthuraipoondi, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

30/06/2020

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS, BEARING A/C NO.484026006,
INDIAN BANK, HIGH COURT BRANCH,
CHENNAI, IFS CODE - IDIBO00M157.

6 THE OFFICER INCHARGE,
SUB JAIL, MATHURANTHAGAM.

CC to M/S. N.PALANIVEL Advocate on payment of necessary charges

CRL OP.9712/2020

Date :30/06/2020

TA-13/07/2020