

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SALEM

Present : Thiru.S.Jeganathan, B.A., B.L., D.C.A., C.J.,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem.

Thursday, the 13th day of October, 2022

CRIMINAL MISCELLANEOUS PETITION NO.3423/2022
(CNR.No.TNSA010054922022)

Raman (33) S/o Annadurai	Petitioner/ Accused.
/ Versus /	
State by: The Inspector of Police, Tholasampatty PS. Cr.No.191/2022.	Respondent / Complainant.

This petition is filed on 11.10.2022 under section 439 of Code of Criminal Procedure, to grant bail to the petitioner.

This petition is filed by Tmt.P.Kala, Counsel for the petitioner and the Special Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

O R D E R

Heard both sides and perused the records.

This petition is filed by Counsel for the petitioner/accused U/s 439 of Cr.P.C., seeking bail. The petitioner/accused was remanded to judicial custody on 29.09.2022 for the alleged offences u/sec.379 IPC and sec.21(1) of Mines and Minerals (D & R) Act.

The learned counsel for the petitioner would submit that the petitioner is only driver by profession; he is in judicial custody for the past 15 days; there is no previous case against the petitioner, hence prays to

release the petitioner on bail with any condition.

Per contra, the learned Special Public Prosecutor would submit that the petitioner stolen three units of red-soil and caused loss of Rs.1,134/- to the Government; the owner of the vehicle is still at large, hence he strongly opposed to grant bail.

Considering the facts and circumstances and taking into account the petitioner is only driver of the vehicle, this Court is inclined to release the petitioner on bail with the following conditions:

1. that the petitioner is ordered to be released on bail on his executing a bond for **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Omalur;
2. that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;
3. that the petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders and on further condition that he shall make available himself for interrogation as and when required by the investigation Officer;
4. that the petitioner shall not tamper with evidence or witness either during investigation or trial;
5. that the petitioner shall not abscond either during investigation or trial;
6. that 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) ;

7. If the accused thereafter absconds, a fresh FIR can be registered U/S. 229 A IPC.

As such this petition is allowed.

Pronounced by me in Open Court, this the 13th day of October, 2022.

Sd /- S.Jeganathan,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem

Copy to the Judicial Magistrate, Omalur.

Copy to the Supdt. Of Jail in which the accused is confined.

Copy to the Inspector of Police, Tholasampatty P.S.