

½ units of river sand. The said Permit was valid from 28.02.2020 7.10 a.m to 28.02.2020, 12.10 p.m. The vehicle was intercepted by the police on 28.02.2020 at 12.00 noon. permit was also shown to the respondent police, but the same was not considered by them and a case has been foisted and the vehicle was seized at 22.00 hrs. The contention of the petitioner does not tally with the time found in the First Information Report. The petitioner was found in possession of 2 ½ units of river sand at 11.00 PM on 28.02.2020, whereas the online permit copy produced by the petitioner indicates that the permit was valid only upto 12.10 p.m.,

4. Even assuming that the vehicle was intercepted at 12.00 p.m., non production of the permit clearly reveals that the sand was transported without valid permit. Production of permit at later point of time itself creates doubt whether the petitioner and A1 made multiple exploitation of river sand with one permit. However, it is a matter for investigation, which cannot be considered at this point of time.

5. Now taking note of the fact that A1, who is owner of the vehicle is the brain behind illegal transportation of sand and absconding and this petitioner being driver is behind the bars for the past 21 days, so this court is inclined to grant bail to the petitioner on following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi;

(a) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

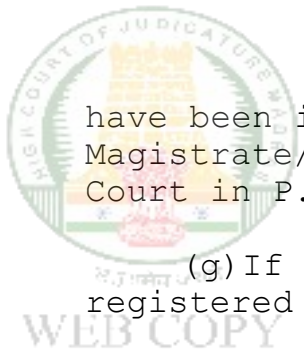
(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(d) the petitioner shall not abscond either during investigation or trial.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) 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].

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

sd/-
20/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PRASANNA, Advocate (SR-5562[I] dated 20/03/2020)

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL OP(MD) No.4901 of 2020
Date :20/03/2020

aav
JM/VR/SAR 3/20.03.2020/3P/8C