



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.46 of 2022

Kutti @ Jayamurugan

...Petitioner

Vs.

The State rep. By
Inspector of Police,
Viruthampet Police Station,
Vellore District.
(Crime No.229 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.229 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.12.2021 for the offences under **Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957** in Crime No.229 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.12.2021, when the respondent police officials were on regular patrol duty, they found that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart without obtaining valid licence. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 37 days from 04.12.2021. However, on instructions, he submits that the petitioner



is ready and willing to pay a sum of **Rs.5,000/-** to any Charitable Institute as may be directed by this Court and he prays to grant bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart without obtaining valid licence.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and on his own volition agreed to contribute a sum of **Rs.5,000/-** for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) **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 thereafter on his release;**

(b) the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only) to the Registered Advocate Clerks Association, Vellore District** and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **learned Judicial Magistrate Court-III, Vellore, Vellore District** within 15 days from the date of 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 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 on every Tuesday at 10.30 a.m. until further orders;**

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

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

(h) 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]**; and;

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

-sd/-
11/01/2022

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,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
VELLORE DISTRICT.

CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.46/2022

Date :11/01/2022

TA-12/01/2022