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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.580 of 2022

Velayutham

...Petitioner

Vs.

The State Represented by  
The Inspector of Police,  
Valangaiman Police Station,  
Valangaiman Taluk,  
Tiruvarur District.  
(Crime No.1270 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.1270 of 2021 on the file of the respondent police.

For petitioner : Mr.S.Mayilnathan

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.12.2021 for the offences under Sections 430, 353, 379 of IPC 1860 read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1270 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is the petitioner had transported ¼ unit of river sand by using TATA Ace, without any valid license. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the



alleged offence. He would further submit that the petitioner has been suffering incarceration from 30.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned District Munsif cum Judicial Magistrate, Valangaiman, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police on every Tuesday at 10.30 a.m. until further orders;

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

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

(g) the petitioners 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.

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-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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, VALANGAIMAN,  
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,  
SUB JAIL, MANNARGUDI.

4 THE INSPECTOR OF POLICE,  
VALANGAIMAN POLICE STATION,  
VALANGAIMAN TALUK,  
TIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.S.MAYILNATHAN Advocate on payment of necessary  
charges SR.NO.504

CRL OP.580/2022

Date :11/01/2022

RW 12/01/2022