



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3039 of 2022

1.Jothi
2.Thirugnasambantham
3.Baskar
4.Subhash Mahto

... Petitioners /
A1 to A3 & A5

versus

The State Rep. by
The Inspector of Police,
Sunguvarchathiram Police Station,
Kancheepuram District.
(Crime No.24 of 2022)
Complainant

... Respondent /

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.24 of 2022 on the file of the respondent police.

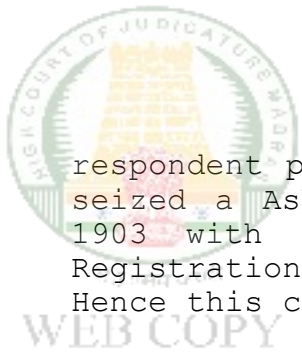
For Petitioners : Mr.G.Thamizhazhagan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners / A-1 to A-3 & A-5, who were arrested and remanded to judicial custody on 09.01.2022 for the offences punishable under Sections 430, 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.24 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.01.2022 at 02.00 a.m., the respondent police got some information about sand theft in Singlipadi lake situated at Sunguvarchathiram. Hence, the respondent police went there and found that some persons were loading the lake sand in a lorry and some of them watching as guard. The



respondent police arrested A-1 to A-5 in the scene of occurrence and seized a Ashok Leyland Dost Lorry bearing Registration No.TN 87 C 1903 with 1 unit of lake sand, further seized a JCB bearing Registration No.TN 82 A 8527 and also two number of two wheelers. Hence this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submit that during the time of securing A-1 to A-5 in the scene of occurrence, the respondent police seized a Ashok Leyland Dost Lorry with 1 unit of lake sand, a JCB and two number of two wheelers. Otherwise after made recovery, further custody of the petitioners need not be necessary for completing the investigation. Accordingly, he prayed to allow this petition.

4. The learned Additional Government Pleader appearing for the respondent police raised objection stating that during the relevant point of time, the petitioners, who are the drivers of the lorry and other accused illegally transported the lake sand without any permission. She vehemently opposed to grant bail to the petitioners.

5. The submissions made by the learned counsel appearing on either side are considered.

6. Considering all these facts, as on now, the material object, which are all necessary for completing the investigation was recovered and in view of the fact that, a portion of the investigation has been completed, further custody of the petitioners is not necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District and on further conditions that:

(a) 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;

(b) the petitioners shall deposit Rs.5,000/- (Rupees Five Thousand only) to the credit of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.



(c) the petitioners shall appear before the respondent police daily at 10.00 a.m. for the period of 30 days and thereafter as and when requires for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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

-sd/-

09/02/2022

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,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

4 THE INSPECTOR OF POLICE,
SUNGUVARCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI - 600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S.G.THAMIZHAZHAGAN Advocate on payment of necessary
charges SR.NO.2117

CRL OP.3039/2022

Date :09/02/2022

RW 10/02/2022