



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE Dr.G.JAYACHANDRAN

Crl.O.P.No.5325 of 2022

Gavaskaran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.
(Crime No.45 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.45 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 22.02.2022, for the offences punishable under Section 379 of I.P.C., r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.45 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent police was on regular patrolling, the petitioner illegally transported ½ unit of river sand in his Tata Ace vehicle, without any valid license. Hence, the complaint.

3. The learned Government Advocate (Crl. Side) states that there is no previous case as against the petitioner.



4. Considering the fact that it is only an attempt and the sand has already been seized, bail granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

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(a) The petitioner shall deposit Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust. On such deposit, the trial court shall release the petitioner on bail receiving a bond for a sum of Rs.50,000/- each (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mannargudi;

(b) 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;

(c) the petitioner is directed to report before the Investigating Officer as and when required.

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

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

(f) 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];

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

-sd/-

07/03/2022

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.II, MANARGUDI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, MANARGUDI.

4 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary
charges

CRL OP.5325/2022

Date :07/03/2022

RW 08/03/2022