



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7289 of 2022

1. Arul
2. Santhosh
3. Manoj

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.59 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.59 of 2022 on the file of the respondent police.

For petitioners : Mr.M.Jayachandran

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

O R D E R

The petitioners, who was arrested on 17.03.2022 for the offence punishable under Section 379 of IPC r/w. 21(1)(4) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.59 of 2022, on the file of the respondent police, seek bail.

2. The petitioners are owner, helper and driver of JCB and Tipper lorry, which was engaged for illegal transport of one unit of red soil. The petitioners were arrested on 17.03.2022. The JCB and Tipper lorry were seized by the respondent police.

3. The learned Additional Public Prosecutor states that 1st petitioner is the owner of the vehicle and he is having one previous case of similar nature.



4. Considering the facts and circumstances of the case, the petitioners are ordered to be released on bail subject to the following conditions;

(a) The petitioners shall deposit a sum of Rs.30,000/- jointly (Rupees Thirty Thousand Only) 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial magistrate, Pennagaram;

(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 petitioners are directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders.

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

(e) 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];

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

5. However, grant of bail shall not stand in the way of the authorities to initiate confiscation proceedings relating to the vehicle involved in the offence.

-sd/-
30/03/2022

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.



1 THE JUDICIAL MAGISTRATE,
PENNAGARAM.

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

3 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M.JAYACHANDRAN Advocate on payment of necessary charges
SR.NO. 4768

CRL OP.7289/2022

Date :30/03/2022

RW 31/03/2022