



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8436 of 2022

1.Jothipasu
2.Vijayakumar
3.Siva @ Sivachandran

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
Mannargudi Taluk Police Station,
Tiruvarur District.
(Crime No.36 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.36 of 2022, on the file of the Inspector of Police, Mannargudi Taluk Police Station, Thiruvarur District.

For Petitioners: Mr.Swamisubramanian

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

O R D E R

The petitioners who were arrested on 31.03.2022 for the offences punishable under Sections 379, 431 of IPC and Section 21(1) of Mines and Minerals Act, in Crime No.36 of 2022, on the file of the respondent police, seek bail.

2.The petitioners herein were involved in illegal transport of half units of river sand in two bullock carts and they were arrested on 31.03.2022 and seeks bail claiming innocents.

3. The learned Additional Public Prosecutor opposed to grant bail to the petitioners on the ground that all the petitioners have one previous case against them. These petitioners have illegally mined river sand and transported in two bullock carts without any licence. Therefore, bail should not be granted since the theft of river sand have adverse impact on the environment.



4. Taking into consideration of the objection and the quantity of sand alleged to have been transported, this Court is inclined to grant bail to the petitioners. Accordingly, they are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall deposit Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.36 of 2022, within a period of seven days from the date on which the order copy made ready.

(b) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District.

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

(e) the petitioners shall not tamper with evidence or witness 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/-

12/04/2022

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,
NO.I, MANNARGUDI, THIRUVARUR DISTRICT.

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

3 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.8436/2022

Date :12/04/2022

RW 13/04/2022