



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8951 of 2022

1.Selvakumar
2.Rajendran

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
(Crime No.99 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.99 of 2022, on the file of the Inspector of Police, Muthupettai Police Station, Thiruvarur District.

For Petitioners : Mr.N.Palanivel

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

ORDER

The petitioners who were arrested on 31.03.2022 for the offences punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.99 of 2022, on the file of the respondent police, seek bail.

2. The petitioners herein were involved in illegal transport of ½ unit of river sand in a bullock cart. They were arrested on 01.04.2022 and seek bail claiming innocents.

3. The learned Additional Public Prosecutor opposed to grant bail to the petitioners on the ground that these petitioners have illegally mined river sand and transported in a bullock cart 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.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.99 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, Tiruthuraipoondi.

(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/-
20/04/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT

4 THE OFFICER INCHARGE
SUB JAIL, TIRUTHURAIPOONDI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges
SR.NO.5844

CRL OP.8951/2022

Date :20/04/2022

JPA 21/04/2022