



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9083 of 2022

1.M.Veeramani
2.K.Bakkiyaraj

.. Petitioners

Vs.

The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
(Crime No.69 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.69 of 2022, on the file of the Inspector of Police, Koradachery Police Station, Thiruvarur District.

For Petitioners: Mr.D.Prabu

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

O R D E R

The petitioners, who were arrested on 08.04.2022 for the offences punishable under Sections 430 and 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.69 of 2022, on the file of the respondent police, seek bail.

2.The petitioners herein were arrested on 08.04.2022 for illegal transportation of one unit of river sand in Bolero Max Truck Plus bearing Registration No.TN 49 BZ-6314 without any permit and a case was registered against these petitioners in Crime No.69/2022 on the file of the respondent police.

3.Considering the fact that the vehicle, which was used by the accused persons to transport river sand and the sand has already been seized, 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.20,000/- (Rupees Twenty 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 petitioners on bail receiving a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvavarur.

(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 report before the Investigating Officer as and when required.

(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.

4. It is made clear that the grant of bail to the petitioners shall not be impediment for the Authorities to proceed with the confiscation proceedings of the vehicle involved in the illegal transportation of the river sand.

-sd/-

21/04/2022

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,
THIRUVARUR



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM, THIRUVARUR

CC to M/S. D. PRABU Advocate on payment of necessary charges
SR.5925

CRL OP.9083/2022

Date :21/04/2022

RVR 21/04/2022