



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10000 of 2022

1.Raman
2.Manikandan

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thalayamangalam Police Station,
Thiruvarur District.
(Crime No.19 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.19 of 2022 on the file of the respondent police.

For Petitioners : Mr.Swamisubramanian

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

O R D E R

The petitioners, who were arrested on 16.04.2022 for the offences punishable under Sections 379, 431 of IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.19 of 2022, seek bail.

2. The petitioner were arrested for the alleged possession of 1/2 unit of river sand and illegally transported the same without any permit. The first petitioner is the owner of the vehicle and the second petitioner is the driver of the vehicle in which the sand was transported.

3. Considering the quantity of the sand recovered and the antecedence of the petitioner, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners 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 No.II, Mannargudi, Thiruvarur District.

(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/-

28/04/2022

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, NO.II,
MANNARGUDI,
THIRUVARUR DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THALAYAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER, SUB JAIL,
MANNARGUDI

6 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR

CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary
charges Sr.6449

CRL OP.10000/2022

Date :28/04/2022

RVR 29/04/2022