



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11580 of 2022

1 PERIYASAMY S/O RAJENDRAN
2 PERIYASAMY S/O SEKAR
3 JAVAGAR

[PETITIONERS/ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM.
(CR NO.43/2022)

[RESPONDENT]

For Petitioner : M/S. M.RAJKUMARFRANKLIN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 22.04.2022 for the alleged offence under Sections 379 of IPC and Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.43 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons carried three units of red sand in three lorries totalling nine units of red sand without any valid permission. There are totally five accused persons in this case and the petitioners have been arrayed as A.1 to A.3.

3. Heard both the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

4. Learned counsel for the petitioners submitted that the entire illegally transported red sand was seized by the respondent police and also the petitioners are in incarceration for more than 25 days and there are no previous cases against the petitioners.



5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners are in incarceration for more than 25 days, the petitioners will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioners on bail subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Attur, and on further conditions that:-

[a] each petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only), by way of Demand Draft to the Madras High Court Advocate Clerk Association, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 respondent police on every Friday at 06:30 p.m for a period of eight (8) weeks, thereafter as and when required by the respondent police.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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 petitioner 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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.I, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE OFFICER INCHARGE,
DISTRICT JAIL, ATTUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM.

6 THE MADRAS HIGH COURT ADVOCATE
CLERK ASSOCIATION, CHENNAI

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

CRL OP.11580/2022

Date :18/05/2022

RVR 20/05/2022