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Crl.O.P.Nos.21237 & 21242 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.21237 & 21242 of 2022

Shanmugapandi ... Petitioner in Crl.O.P.No.21237 of 2022

Rajkumar ... Petitioner in Crl.O.P.No.21242 of 2022

Vs.

State Rep. by
The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
(Cr.No.468 of 2022)

... Respondent in both Crl.O.P.'s

PRAYER in both Crl.O.P.'s:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.468 of 2022
pending investigation on the file of the respondent police.

For Petitioner
in both Crl.O.P.'s : Mr.Babu Ganesh

For Respondent
in both Crl.O.P.'s : Mr.A.Damodaran,
Additional Public Prosecutor



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COMMON ORDER

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Section 430 and 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.468 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 3 units of river sand illegally.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons. He further submitted that they were arrested and remanded to judicial custody on 13.08.2022 and hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river sand involved is 3 units. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, the **petitioners shall jointly deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Valangaiman, Tiruvarur District and on further conditions that :-**

[a] 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.

[b] the petitioners shall jointly deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434;



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IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The District Munsif Cum Judicial Magistrate,
Valangaiman, Tiruvarur District.
- 2.The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
- 3.Mannargudi Sub Jail.
- 4.The Public Prosecutor,
High Court of Madras

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