



Crl.OP.No.21761 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Raman

2. Govinthan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pappireddipatty Police Station,
Dharmapuri District.

(Crime No.199/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.199 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Section 379 of IPC and Section 4(1)(1A), 21(1), 21(2) and 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.199 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.08.2022, while the respondent Police was on their routine patrol duty, the petitioners were found in illegal transportation of two unit of norambu sand by using Mini Tipper Lorry bearing registration No. TN-72-AW-9349 and JCB bearing registration No. TN-55-BB-1218, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners are only the drivers of the vehicles. Therefore, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 26.08.2022, while the respondent Police was on their routine patrol duty, the petitioners were found in illegal transportation of two unit of norambu sand by using Mini Tipper Lorry bearing registration No. TN-72-AW-9349 and JCB bearing registration No. TN-55-BB-1218, without any valid license. He would further submit that there is no previous case against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Pappireddipatty, Dharmapuri District**, and on further conditions that:



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[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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

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

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To

1. The Judicial Magistrate,
Pappireddipatty,
Dharmapuri District.
2. The Inspector of Police,
Pappireddipatty Police Station,
Dharmapuri District.
3. The Sub Jail,
Harur, Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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