



Crl.O.P.No.23856 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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

Crl.OP.No.23856 of 2022

1. S.Sivamani
2. A.Saravanan
3. A.Boopathi
4. P.Selvam

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Salem District.

(Crime No.306/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.306 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Rajakumar

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 28.08.2022 for the offences punishable under Sections 379 & 511 of IPC, in Crime No.306 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 28.08.2022, while the respondent Police was on their routine patrol duty, they found that the petitioners were attempted to transport one and half units of gravel sand from the lake, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners has been granted permission to extract gravel sand from the lake. However, when the police had asked for the same, the petitioner was unable to produce the same. He would also submit that similarly placed co-accused has been granted with anticipatory bail by this Court in Crl.O.P.No.21292 of 2022 dated 09.09.2022. Hence, he prays to grant bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that though the permission had been granted, the petitioners had mined the gravel sand in violation of the license condition. Hence, he oppose 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 of the case and the submissions made by the learned counsel and also taking note of the fact that the co-accused has been granted with anticipatory bail, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur, Salem** 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. for a period of two weeks and thereafter, as and when required for interrogation;

[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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

29.09.2022

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To

1. The Judicial Magistrate-II,
Attur, Salem.
2. The Sub-Inspector of Police,
Thalaivasal Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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