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Crl.OP.No.27249 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.27249 of 2022

Jayamoorthy

... Petitioner

Vs.

The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
In Crime No.546 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.546 of 2022 on the file
of the respondent police.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.09.2022 for the offences punishable under Sections 379 and 430 of IPC, in Crime No.546 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/2 unit of river sand by using his Ashok Leyland Dost vehicle without any valid licence. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner had purchased ½ unit of river sand from a dealer for construction of toilet and it has been projected as though the petitioner was illegally transported the river sand. However, without prejudice, the petitioner is ready to deposit a sum of Rs.10,000/- to the any welfare scheme of the Government. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) would submit that the



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quantity of river sand involved is $\frac{1}{2}$ unit. He would further submit that the petitioner has 5 previous cases of similar nature. The petitioner is menace to the environment. People like petitioner will spoil the environment. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking note of the fact that the quantity is minimum intended for their personal use and taking note of the fact that the petitioner came forward to deposit a sum of Rs.10,000/- to the credit of any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/-(Rupees Ten Thousand only)** as non refundable deposit to the credit of **District Mineral Foundation Trust, Villupuram**, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ulundurpet** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 petitioner shall report before the respondent Police as and when required;

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

[d] the petitioner 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 petitioner 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]**;

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

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To

1. The learned Judicial Magistrate No.II, Ulundurpet
- 2.The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR,J.

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