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Crl.O.P.No.8213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8213 of 2023

Boominathan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.121 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.121 of 2023, pending
on the file of respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.03.2023 for the offences punishable under Section 379 of IPC r/w



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21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.121 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 26.03.2023, based on the secret information the respondent police went to the scene of occurrence and found the petitioner illegally transporting 3 bags of river sand in a two wheeler. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner had purchased river sand for his personal use from a tractor and since he was not having the bill he was arrested. He would submit that he has no previous case and he is ready to abide by any stringent condition that may be imposed by this Court and hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent submitted that the petitioner illegally transported river sand in two wheeler without any permit. He also submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.



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

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner from 26.03.2023, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate Court, Thiruthuraipoondi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 everyday at 10.30 a.m., until further orders;

[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.

17.04.2023

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To

- 1.The Judicial Magistrate Court,
Thiruthuraipoondi
- 2.The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
3. The District Prison, Thiruvarur.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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