



Crl.O.P.No.8513 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.8513 of 2023

Elavarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukkallar Police Station,
Thiruvavarur District.

(Crime No.60 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.60 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.03.2023 for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development @ Regulation) Act in Crime No.60 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 25.03.2023, while the respondent Police and his team were on their routine patrol duty, the petitioner was found in illegal transportation of 1/2 unit of river sand by using bullock cart, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.03.2023 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 25.03.2023, while the respondent Police and his team were on their routine patrol duty, found the petitioner has



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illegally transported 1/2 unit of river sand by using bullock cart, without any valid license. He would further submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.5,000/- to any welfare scheme of the Government and he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

7. 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 petitioner has prepared to deposit Rs.5,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of **Demand Draft/RTGS/NEFT to the credit of the District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 No.I, Mannargudi** 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 petitioner shall report before the respondent Police daily 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,



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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.

26.04.2023

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To

1. The Judicial Magistrate No.I,
Mannargudi.
2. The Inspector of Police,
Thirukkallar Police Station,
Thiruvavarur District.
3. The Sub Prison,
Mannargudi.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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