



WEB COPY



Crl.O.P.No.10999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10999 of 2023

1.Durai

2.Manikandan

..

. Petitioners/Accused

Vs.

State Rep by

The Inspector of Police,

Malliyakarai Police,

Athur Taluk,

Salem District.

(Crime No.53 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant the bail to the petitioners, for arrested by the respondent
police in Crime No.53 of 2023 dated 02.05.2023 on the file of the respondent
police.

For Petitioners : Ms.L.Karthiga

For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 02.05.2023, for the offences punishable under Section 379 of IPC



r/w Section 21(1) of Mines and Minerals (Development & Regulation Act), 1957 in Crime No.53 of 2023 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 3 units of gravel soil illegally in their vehicle. Hence the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, she seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have transported three units of gravel sand illegally in their vehicle. He further submits that there are no previous cases pending against the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.



6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration, this Court is inclined to grant bail to the petitioners on the following conditions;

[a] The petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate Court-II, Attur.**

[b] 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;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

11.05.2023

bkn/ssr

To

1. The Judicial Magistrate Court-II, Attur.
2. The Inspector of Police,
Malliyakarai Police,
Athur Taluk,
Salem District.
3. The Superintendent of Prison, Sub Jail, Attur, Salem District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

bkn/ssr

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