



Crl.O.P.No.11290 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11290 of 2023

Ganapathi

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.

(Crime No.179 of 2023)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail in connection with Crime
No.179 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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Crl.O.P.No.11290 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.04.2023, in connection with Crime No.179 of 2023 registered for the offences punishable under Sections 379, 430 of IPC read with Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported $\frac{1}{4}$ unit of River Sand worth about Rs.5,000/-, illegally by using Bullock Cart. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 28.04.2023. He further submitted that the petitioner has no previous case pending against him. He further submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prayed for



Crl.O.P.No.11290 of 2023

grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of River Sand involved is 1/4 unit. He further submitted that there is no previous case pending as against the petitioner. However, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner has no previous case pending against him, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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, Chayyar**, and on further conditions that:

[a] the sureties shall affix their photographs and



CrI.O.P.No.11290 of 2023

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 once in a week.

[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.

17.05.2023

arb/gd



Crl.O.P.No.11290 of 2023

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To

1. The Judicial Magistrate,
Chayyar.
2. The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.11290 of 2023

A.A.NAKKIRAN, J.

arb/gd

CrI.O.P.No.11290 of 2023

17.05.2023