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Crl.O.P.No.12596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12596 of 2023

Desikamani

... Petitioner

/versus/

The State rep.by
Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No.76 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.76 of 2023 on the file of the respondent police.

For petitioner : Mr.M.Sathish Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, in connection with Crime No.76 of 2023



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registered for the offences under Sections 379 and 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 13.05.2023, while the respondent Police and his team were on their routine patrol duty, the petitioner was found in illegal transportation of 1/4 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 13.05.2023 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 13.05.2023, while the respondent Police and his team were on their routine patrol duty, found the petitioner has illegally transported 1/4 unit of river sand by using bullock cart,



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without any valid license. He would further submit that there are four previous cases pending 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.20,000/- 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 (Crl.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 taking note of the fact that the petitioner has prepared to deposit Rs.20,000/- to any welfare scheme of the Government and also considering the period of incarceration undergone by the petitioner, 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.20,000/- (Rupees Twenty 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.III, Vellore** 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 everyday at 10.30 a.m., until further orders;

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



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[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.

07.06.2023

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To

1.The Judicial Magistrate-III,
Vellore.

2. The Inspector of Police,
Virudampet Police Station,
Vellore District.

3.The Central Prison, Vellore.

4.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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