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Crl.O.P.No.13178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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

Crl.O.P.No.13178 of 2023

Ponnurangam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Viruthampattu Police Station,
Vellore District.

(Crime No.62 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.62 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Chokkalingam

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



CrI.O.P.No.13178 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.5.2023, for the offences punishable under Sections 379 and 430 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.62 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused were illegally transporting 25 kilograms of river sand in their two wheeler Honda Active bearing registration No.TN 23 BB 5187, without any valid permission or license. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner has been in judicial custody from 20.05.2023 and also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.13178 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner along with other accused had illegally transported 25 kilograms of river sand in their two wheeler. He further submitted that five previous cases of similar nature are pending as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government. Hence, he prayed 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 Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Mineral



CrI.O.P.No.13178 of 2023

Foundation Trust concerned, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of District Mineral Foundation Trust concerned, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten 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



CrI.O.P.No.13178 of 2023

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;

[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];***



WEB COPY



Crl.O.P.No.13178 of 2023

A.D.JAGADISH CHANDIRA.,J.

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

14.06.2023

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To

1. The Judicial Magistrate No.III,
Vellore.
2. The Inspector of Police,
Viruthampattu Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13178 of 2023