



Crl.OP.No.14726 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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Kangan

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Cheyyar Police Station,
Cheyyar,
Tiruvannamalai District.
(Cr.No.328 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.328 of 2023 on the file of the respondent.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2023 for the offence punishable under Section 379 and 430 I.P.C. r/w Section 21 (5) of M.M. Act in Crime No.328 of 2023 on the



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file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Crime No.328 of 2023 for the offence under Section 379 and 430 I.P.C. r/w Section 21 (5) of M.M. Act. He is in judicial custody from 12.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner was found illegally transporting river sand in two wheeler on 12.06.2023. Petitioner has sixteen previous cases pending. All the cases relate to other offence and not under Mines and Minerals Act.

4.Considered the rival submissions and perused the records.

5.Considering the minimum quantity of the sand had been stolen by the petitioner and the vehicle is recovered, and fact that the petitioner is in judicial custody from 12.06.2023, and that substantial part of



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investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, petitioner is directed 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**, and on such deposit 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, Cheyyar, Tiruvannamalai District**, 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 without prejudice to his defence shall deposit a non-refundable sum 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**, and that the



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receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits 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.

[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, 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 absconds, a fresh FIR can be registered under Section 229A IPC.



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To

1.The Judicial Magistrate, Cheyyar, Tiruvannamalai District.

2.The Inspector of Police,
Cheyyar Police Station,
Cheyyar,
Tiruvannamalai District.

3.Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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