



Crl.OP.No.15072 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

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

Crl.OP.No.15072 of 2023

Neelakandan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
Crime No.366 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.366 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.R.Subramanian

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



Crl.OP.No.15072 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2023 for the offences punishable under Sections 379 of IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act in Crime No.366 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case registered for the offence under Sections 379 of IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act. Petitioner is in Judicial Custody from 14.06.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 14.06.2023, petitioner had illegally transported ½ units of river sand in an unnumbered tractor tipper. Petitioner is only a driver. However, he opposed for grant of bail to the petitioner.



CrI.OP.No.15072 of 2023

4. Considering the nature, facts and circumstances of the case and also the fact that the vehicle used for illegal theft of river sand was recovered and the petitioner is in Judicial Custody from 14.06.2023 and that material part of the investigation is completed, this Court is inclined to grant bail to the petitioner.

5. 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 **District Munsif Cum Judicial Magistrate at Valangaiman, Thiruvarur 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 shall report before the respondent police daily at 10.30.a.m., until further orders.



CrI.OP.No.15072 of 2023

[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 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].

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

14.07.2023

Sma



Crl.OP.No.15072 of 2023

To

1. District Munsif Cum Judicial Magistrate,
Valangaiman, Thiruvarur District.
2. The Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
3. Sub Jail,
Mannarkudi.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.15072 of 2023

G.CHANDRASEKHARAN. J.

Sma

Crl.O.P.No.15072 of 2023

14.07.2023