



WEB COPY



CrI.OP.No.18249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.18249 of 2023

Surendiran @ Eli

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ambur Town Police Station,
Thirupathur District.
(Crime No.261 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.261 of 2023 on the file of Inspector of Police, Ambur Town Police Station, Thirupathur District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



Crl.OP.No.18249 of 2023

on 01.07.2023 for the offence punishable under Sections 379 and 430 of I.P.C and in Section 21 (1) of Mines and Minerals (Development & Regulation) Act in Crime No.261 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is alleged to have illegally transported rival sand in a bullock cart. He is in judicial custody from 01.07.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 30.06.2023, the defacto-complainant found the petitioner illegally transporting $\frac{1}{4}$ unit of river sand in a bullock cart near Murugan Theatre, Ambur Bypass Road. Petitioner has three similar previous cases registered.

4.Considered the rival submissions and perused the records.

5.Considering the fact that petitioner is in judicial custody from 01.07.2023, volume of sand illegally transported and that material part of



CrI.OP.No.18249 of 2023

investigation in this case might have been completed by this time, and also the fact that petitioner is involved in similar offences, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, 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 Additional District Munsif cum Judicial Magistrate, Ambur, Thirpathur 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.10,000/-**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code



CrI.OP.No.18249 of 2023

IOBA0001172, CMPRF PAN: AAAGC0038F and that the 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.

[c] the petitioner shall report before the respondent Police morning at 10.00.a.m., and evening at 5.00 p.m until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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



CrI.OP.No.18249 of 2023

18.08.2023

WEB COPY

ep

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Ambur, Thirpathur District.
- 2.The Inspector of Police,
Ambur Town Police Station,
Thirupathur District.
- 3.Central Prison Vellore.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.18249 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.OP.No.18249 of 2023



WEB COPY



CrI.OP.No.18249 of 2023

18.08.2023