



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.18531 of 2023

K.Sankareshwaran

.. Petitioner/Accused(A2)

Vs.

The State rep. by
Inspector of Police,
Muthupettai Police Station,
Tiruvarur
Crime No. 404 /2023.

.. Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner herein on Bail in connection with the Crime No.404 of 2023 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



WEB COPY

ORDER

The petitioner, who was arrested for the alleged offences under Sections 379 of IPC r/w.21(1) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.404 of 2023, on the file of the respondent police, seeks bail.

2. The petitioner was arrested for transporting one unit of river sand in a Tractor.

3. The learned Additional Public Prosecutor states that the Tractor has been seized and confiscation proceedings has been initiated. As far as this petitioner is concerned, he is a driver of the Tractor.

4. Taking note of the period of incarceration and the stage of the investigation, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;



WEB COPY

(a) the petitioner shall execute 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 **Judicial Magistrate, Thiruthuraipoondi;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the respondent police as and when required;**

(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 Judicial 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];

Dr.G.JAYACHANDRAN, J.

ns1/rpl



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

14.08.2023

nsI/rpl

To

- 1.The Judicial Magistrate, Thiruthuraipoondi.
- 2.The Inspector of Police,
Muthuppettai Police Station,
Tiruvarur
- 3.The Sub Jail, Thiruthuraipoondi.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.18531 of 2023