



Crl.O.P.No.18395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

Crl.O.P.No.18395 of 2023

1.Raja

2.Venkateshprasath

3. Bharathirasu

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.598 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No. 598 of 2023 on the file of Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.18395 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.07.2023 for the offence punishable under Sections 379 of I.P.C. And in section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.598 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.598 of 2023 for the offences punishable under Sections 379 of I.P.C. And in section 21(1) of Mines and Minerals (Development & Regulation) Act. Petitioners are in judicial custody from 25.07.2023. He further submitted that, 4th and 5th accused have been granted anticipatory bail. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposes this petition, on the ground, defacto complainant/Village Administrative Officer of Maruthavanam, on 25.07.2023 found the accused in this case near Marudhavanam Government Higher Secondary School, illegally taking



Crl.O.P.No.18395 of 2023

sand and transporting it through tipper lorry. They visited the site, and found that, 5 tractors were loading sand. They have no proper license for loading sand. Thereafter, vehicles were seized. Thus, he prays for dismissal of this petition.

4. Considering the fact that 4th and 5th accused have been granted anticipatory bail and that petitioners are in judicial custody from 25.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions and the petitioners are ordered to be released on bail on their executing separate 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, 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of



Crl.O.P.No.18395 of 2023

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 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 petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police daily morning at 10.30 a.m., until further orders.

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

[e] the petitioners 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



WEB COPY



Crl.O.P.No.18395 of 2023

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.

18.08.2023

gd/nsi

To

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

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.18395 of 2023

gd/nsi

Crl.O.P.No.18395 of 2023

18.08.2023