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Crl.O.P.No.19471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

Crl.O.P.No. 19471 of 2023

1. Dhineshababu
2. Dinesh
3. Ranjithkumar

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.631 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.631 of 2023 on the file of the respondent police.

For Petitioners : Mr.Swamisubbramanian

For Respondent : Mr. S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.08.2023 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.631 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are drivers of Tractors and Tippers, which are said to have been involved in illegal transportation of soil from K.R.M. Pannaikollai. Petitioners are in judicial custody from 06.08.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, petitioners used to take sand from pond and river beds and used to sell. On 06.08.2023, defacto complainant received information that, sand has been removed from K.R.M.Pannai Kollai using J.C.B. At about 16 hrs., defacto complainant went to the place and found that, sand was removed using J.C.B bearing Reg.No. TN 25 Y 9851 and it was



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transported in a Tractors bearing Reg.No.TN 50 AT 4176 and TN 82 Y 1510. Vehicles along with the sand had been seized. Petitioners have no similar previous cases pending against them.

4. Considering the fact that, the contraband and the vehicle and the sand had been seized and that there is no previous case pending against the petitioners and that petitioners are in judicial custody from 06.08.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their 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 **Judicial Magistrate, Thiruthuraipoondi, Thiruvarur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-each, 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 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not abscond either



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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 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].

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

04.09.2023

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G.CHANDRASEKHARAN. J.

sma



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To

1. Judicial Magistrate, Thiruthuraipoondi, Thiruvarur

2.Sub Jail,
Thiruthuraipoondi

3.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.

4.The Public Prosecutor,
High Court of Madras.

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