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CrI.OP.No.20754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20754 of 2023

Aravinth

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
(Crime No.443 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with the case in Crime No.443 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 17.08.2023 for the offences punishable under Sections 379 and 430 of I.P.C and 21(1) of Mines and Minerals (Development & Regulation Act), in Crime No.443 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Crime No.443 of 2023 for the offences under Sections 379 and 430 of I.P.C and 21(1) of Mines and Minerals (Development & Regulation Act). Petitioner is in judicial custody from 17.08.2023. Thus, he seeks bail.

3.The learned Additional Public Prosecutor submitted that on 17.08.2023 at about 01.30 a.m., defacto-complainant found the accused illegally transporting $\frac{1}{4}$ unit of river sand near EB substation bus stand. The sand with bullock cart was seized. Petitioner has no previous similar cases pending against him.

4.Considered the rival submissions and perused the records.



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5.Considering the fact that the sand and bullock cart had been seized and that petitioner is in judicial custody from 17.08.2023 and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 **The Judicial Magistrate, Gudiyatham** 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 10.00.a.m., until further orders.

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



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[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 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].

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

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To

- 1.The Judicial Magistrate,
Gudiyatham.
- 2.The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/Apd

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