



Crl.OP.No.20742 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

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1.Ramesh

2.Govindasami

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore district.
(Crime No.444 of 2023)
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail in connection with the case in
Crime No.444 of 2023 on the file of the respondent Police.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.08.2023 for the offence punishable under Sections 379, 430 of I.P.C, read with 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.444 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.444 of 2023 for the offence under Sections 379, 430 of I.P.C, read with 21(1) of Mines and Minerals (Development & Regulation) Act. Petitioners are in judicial custody from 17.08.2023. Thus, he seeks bail.

3.The learned Additional Public Prosecutor submitted that on 17.08.2023 at 2.30 a.m, defacto-complainant found the accused were illegally transporting $\frac{1}{4}$ unit of river sand in a bullock cart near Masikam Bus stand. Accused were apprehended. Sand and bullock cart were



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seized.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the bullock cart with sand was seized, that petitioners are in judicial custody from 17.08.2023, that this is the first case registered against the petitioners 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 petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- each** (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent Police daily at 10.00.a.m., until further



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orders.

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

[d] the petitioners 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 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].

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

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ep/Apd



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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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