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CrI.OP.No.21718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.21718 of 2023

Venkatesan
S/o.Dharman

...Petitioner

Vs.

State represented by its
Inspector of Police,
Melpatti Police Station,
Vellore District.
(Crime No.112 of 2023)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.112 of 2023 pending on the file of the respondent.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2023 for the offences punishable under Sections 379 and 430 IPC in Crime No. 112 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner was found in illegal transportation of $\frac{1}{4}$ unit of river sand in a Bullock cart. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) stated that the petitioner has been involved in the offence of illegal transportation of $\frac{1}{4}$ unit of river sand in Bullock Cart. Hence, a case in Crime No. 112 of 2023 has been registered and thereafter, he has also involved in the same crime, which has been registered in Crime No.146 of 2023. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the submission made by the learned counsel for the petitioner and the period of incarceration by the petitioner from 21.08.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned 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 make a non refundable deposit of **Rs.5,000/- (Rupees five thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



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[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 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].

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

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ata/mps

To

1. Judicial Magistrate, Gudiyatham.

2. Central Prison,
Vellore.

3. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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