



WEB COPY



Crl.O.P.No. 26002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

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

Crl.O.P.No.26002 of 2023

Vijayshankar

... Petitioner

Vs.

The State rep. by:-
The Inspector of Police,
Ambur Town Police Station,
Ambur, Thirupathur District.
(Crime No. 414 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail pending investigation in
Crime No.414 of 2023 on the file of the respondent.

For Petitioner : Mr.S.Pachaiyappan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.10.2023 for the offence punishable under Sections 379, 430 of IPC r/w



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Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.414 of 2023 on the file of the respondent police, seeks bail.

2.It is alleged that the petitioner had illegally transported 1/4 unit of river sand by using bullock cart.

3.It is stated by the learned Government Advocate that there are seven previous cases against the petitioner.

4.Taking into consideration the quantity of sand and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** as a non-refundable deposit to the credit of **the District Revenue Officer, Thirupathur District**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof,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, Ambur and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 on everyday at 10.30 a.m., until further orders;

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

[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.

15.11.2023

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C.V.KARTHIKEYAN, J.



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To

1. The Judicial Magistrate, Ambur.
2. The Sub Jail, Ambur.
3. The Inspector of Police,
Ambur Town Police Station,
Ambur, Thirupathur District.
4. The Public Prosecutor,
High Court of Madras.

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