



CrI.O.P.No.25551 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

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

CrI.O.P.No.25551 of 2023

1.Pachiyappan S/o. Mani
2.Sakthi S/o. Kanniyiram

...Petitioners/Accused 1 & 2

Vs.

State represented by the
Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.

(Crime No.309 of 2023)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No. 309 of 2023 on the
file of respondent police on such terms and conditions.

For Petitioners : Mr.K.Sudhakar

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



Crl.O.P.No.25551 of 2023

WEB COPY

ORDER

The petitioners/A1 & A2 seek bail in Crime No.309 of 2023, registered by the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act. They had been remanded to judicial custody on 25.10.2023.

2. The case of the prosecution is that the petitioners were found in possession of three units of Gravel sand in a lorry bearing Regn.No.TN-48-E-8507. The said sand was taken from a private land without any permission.

3. The learned counsel for the petitioners stated that the petitioners are innocents and they have been falsely implicated in this case. He further stated that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.25551 of 2023

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners has illegally transported 3 units of gravel sand in a lorry. Hence, he opposed to grant bail to the petitioners.

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly as non refundable deposit to the credit of District Revenue Officer, Dharmapuri, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners subject to the following conditions:



8. Accordingly, the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) jointly to the credit of District Revenue Officer, Dharmapuri District, and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Dharmapuri, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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



CrI.O.P.No.25551 of 2023

appropriate action against the petitioner 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.

08.11.2023

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To

1. The Judicial Magistrate No.II, Dharmapuri.
2. Sub-jail, Dharmapuri.
- 3.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.



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CrI.O.P.No.25551 of 2023

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