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Crl.O.P.No.25767 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

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

Crl.O.P.No.25767 of 2023

1. Vinoth S/o. Ramu

2. Dhillip S/o. Radhakrishnan

... Petitioners / A-1 & 2

Vs.

The State rep. by
The Inspector of Police,
Virudampet Police Station,
Vellore District.

(Crime No.285 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail concerned in Crime No.285 of
2023 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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



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Crl.O.P.No.25767 of 2023

ORDER

The petitioners seek bail in Crime No.285 of 2023, registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, and they had been arrested and remanded to judicial custody on 08.10.2023.

2. The case of the prosecution is that the petitioners were alleged to have transported two bags (50 kgs) of river in a two-wheeler.

3. The learned counsel for the petitioner stated that the petitioners are innocent 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.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally transported 2 bags (50 kgs) of river sand in a two-wheeler without any valid license.



CrI.O.P.No.25767 of 2023

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are directed to jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of District Revenue Officer, Vellore District, 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, Vellore District, and on such deposit and production of proof, the petitioners are ordered to be released on bail on 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.III, Vellore, and on further conditions that :-



Crl.O.P.No.25767 of 2023

[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 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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Crl.O.P.No.25767 of 2023

To

- 1.The Judicial Magistrate No.III, Vellore District.
- 2.Central Prison, Vellore, Vellore District.
- 3.The Inspector of Police,
Virudampet Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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CrI.O.P.No.25767 of 2023

CrI.O.P.No.25767 of 2023

10.11.2023