



Crl.O.P.No.25770 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.25770 of 2023

1. Gokul S/o. Iyyappan

2. Barath S/o. Sivakumar

... Petitioners/ Accused No.1 & 2

Vs.

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

(Crime No.248 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners on bail pending investigation in Crime No.248 of 2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.G.Vinodhkumar

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



WEB COPY



Crl.O.P.No.25770 of 2023

ORDER

The petitioners seek bail in Crime No.248 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 23.10.2023.

2. The case of the prosecution is that the petitioners were alleged to have transported ½ unit of Norambu soil in a TATA ACE vehicle without having any license or permit.

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.



Crl.O.P.No.25770 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally transported ½ unit of Norambu soil in TATA ACE vehicle without any valid license.

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.7,500/- (Rupees Seven Thousand Five Hundred 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:



Crl.O.P.No.25770 of 2023

WEB COPY

8. Accordingly, the petitioners shall make a non-refundable deposit of Rs.7,500/- (Rupees Seven Thousand Five Hundred 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.IV, Vellore, 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.



Crl.O.P.No.25770 of 2023

[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.

10.11.2023

ata

To

1.The Judicial Magistrate No.IV, Vellore.

2.Central Prison, Vellore.

3.The Inspector of Police,
Virinchipuram Police Station,
Virinchipuram, Vellore District.

2.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



WEB COPY



CrI.O.P.No.25770 of 2023

ata

CrI.O.P.No.25770 of 2023

10.11.2023