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CrI.O.P.No.26602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

CrI.O.P.No.26602 of 2023

Varathrajan @ Varadharajan
Petitioner/A1

...

Vs.

The State of represented by
The Inspector of Police,
Omerabad Police Station,
Thirupathur District.
(Crime No.388 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.388 of 2023 on the file of
the respondent.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.11.2023 for the offences punishable under Sections 379, 430 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.388 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were alleged to have transported 1/4 unit of sand without having any license or permit.

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

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner had illegally transported 1/4 unit of sand without any valid license.



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

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his 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 petitioner subject to the following conditions:

8. Accordingly, the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of District Revenue Officer, Thirupathur District, and on such deposit and production of proof, the petitioner is ordered to be released on bail on executing 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 Judicial Magistrate, Ambur, and on further conditions that :-



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[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 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 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.

24.11.2023

smv



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To

- 1.The Judicial Magistrate, Ambur.
- 2.The Inspector of Police,
Omerabad Police Station,
Thirupathur District.
3. The Central Prison, Vellore
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN,J.

smv

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