



CrI.OP.No.26876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.26876 of 2023

Vijay

...Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
Oomerabad Police Station,
Tirupathur District.
Crime No.406 of 2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.406 of 2023
on the file of the respondent police.

For Petitioner : Ms.S.P.Arthi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 12.11.2023 for the offence punishable under Sections 379 and 430 IPC r/w 21(1) M& M (D&R) Act in Crime No.406 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 12.11.2023. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand in a bullock cart on 11.11.2023. It is stated that $\frac{1}{4}$ unit of river sand and the bullock cart had been recovered. However, he prays for dismissal of this petition.



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4. Taking into consideration the fact that the bullock cart and $\frac{1}{4}$ unit of river sand had been seized from the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, 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 **District Munsif cum Judicial Magistrate, Ambur** 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 petitioner without prejudice to his defence shall deposit a non-refundable sum of **Rs.5,000/-**, by way of Demand Draft to the District Revenue Officer, Tirupathur District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not



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amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

27.11.2023

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To

1. The District Munsif cum Judicial Magistrate, Ambur
2. The Sub Inspector of Police,
Oomerabad Police Station,
Tirupathur District.
3. Sub Jail,
Vellore.
4. The Public Prosecutor,
Madras High Court.



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C.V.KARTHIKEYAN, J.

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