



CrI.O.P.No.26911 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

CrI.O.P.No.26911 of 2023

1.Haripratap

2.Vikram

...Petitioners

Vs.

State represented by the
The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.692 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.692 of 2023 on the file of the respondent Police.

For Petitioners : Mr.D.Thirumoorthy

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 05.11.2023 registered for the offences under Sections 379 and



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430 of IPC, in Crime No.692 of 2023, seek bail.

2.The case of the prosecution is that the petitioners were alleged to have transported 8 cement bags of river sand by using two wheeler without having any permit. Hence the complaint.

3.The learned counsel for the petitioners 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 had illegally transported 8 cement bags of river sand by using two wheeler without any permit. Hence, he vehemently 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 jointly directed to 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 deposit 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 period of incarceration undergone by the petitioners and the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners shall jointly make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) 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 their executing 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 Judicial Magistrate, Gudiyatham, Vellore District, 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.



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[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.

28.11.2023

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To

1. The Judicial Magistrate, Gudiyatham, Vellore District.
2. The Central Prison, Vellore.



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3. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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