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Crl.O.P.No.27741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

Crl.OP.No.27741 of 2023

B.Vijay

...Petitioner

Vs.

The State rep. by
Inspector of Police,
Viruthampet Police Station,
Vellore District.
Crime No.363/2023.

...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.363 of 2023 on the file of the respondent police.

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

ORDER

The petitioner seeks bail in Crime No.363 of 2023 registered by the respondent Police for the offences under Sections 379 & 430 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. The petitioner was remanded to judicial custody on 16.11.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3. It is stated that the petitioner had illegally transported 75 Kgs of river sand in a two wheeler. However, it is stated that the river sand and the two wheeler had been recovered. There is one previous case pending against the petitioner herein.

4. Taking into consideration the period of incarceration suffered by the petitioner and the vehicle and the river sand had been recovered, I am inclined to grant bail to the petitioner subject to the following 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 Judicial Magistrate No.III, 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



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ensure their identity.

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

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

[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



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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.

11.12.2023

sli

To

1. The Judicial Magistrate No.III, Vellore.
- 2.The Inspector of Police,
Viruthampet Police Station,
Vellore District.
Crime No.363/2023.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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