



Crl.O.P.No.27993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

Crl.O.P.No.27993 of 2023

Pragasam S/o. Samraj

... Petitioner/Accused-3

Vs.

The State represented by
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Thirupathur District.

(Crime No.529 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.529 of 2023 on the file of
the respondent.

For Petitioner : Mr.S.Sasikumar

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



Crl.O.P.No.27993 of 2023

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ORDER

The petitioner seeks bail in Crime No.529 of 2023, registered by the respondent police for the offences punishable under Sections 430, 379 and 506(i) of IPC. The petitioner had been remanded to custody on 22.11.2023.

2.The case of the prosecution is that the petitioner and other accused are alleged to have illegally transported gravel sand in a JCB, without valid license. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. There are no previous cases against the petitioner herein. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner along with other accused had illegally taken



CrI.O.P.No.27993 of 2023

gravel sand without any valid license. Hence, he vehemently opposed to grant bail to the petitioner.

5. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) as non refundable deposit to the credit of the **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:



CrI.O.P.No.27993 of 2023

8. Accordingly, the petitioner shall make a non-refundable deposit of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of the District Revenue Officer, Thirupathur District, and on such deposit and production of proof, the petitioner is ordered to be released on bail on his 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, Vaniyambadi, 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 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



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CrI.O.P.No.27993 of 2023

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.

18.12.2023

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C.V.KARTHIKEYAN, J.

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Crl.O.P.No.27993 of 2023

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To

- 1.The Judicial Magistrate, Vaniyambadi.
- 2.The Inspector of Police,
Vaniyambadi Taluk Police Station,
Thirupathur District.
- 3.The Sub-jail, Vaniyambadi.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27993 of 2023

18.12.2023