



CrI.O.P.No.28990 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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1.Prabhakaran

S/o.Murali

2.Ezhumalai @ Ezhumalai

S/o.Murugesan

3.Mathi @ Madhi

S/o.Gopal

4.Gopinath

S/o.Vasu

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Melpatti Police Station,
Vellore District.
(Crime No.282 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.282 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Dhasarathan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioners seek bail in Crime No.282 of 2023, registered by the respondent police for the offences punishable under Sections 379, 430 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation Act) 1957. They had been arrested and remanded to judicial custody on 15.12.2023.

2. The case of the prosecution is that the petitioners were alleged to have transported 120 kgs. of river sand with 6 bags in a two wheeler. Hence the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that there is no previous case as against the petitioners and they are no way connected with the said occurrence. He would further submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners have illegally transported 120 kgs. of river sand in a two wheeler. He would further submit that no previous cases pending against the petitioners. However, she objected to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence and also considering the fact that there is no previous cases pending against the petitioners and considering the custody of the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, 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) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyattam, Vellore District, and on further conditions that :-

[b] the sureties shall affix their photographs and Left



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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.

[c] the petitioners shall report before the respondent Police on everyday Saturday at 10.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

28.12.2023



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To

1. The Judicial Magistrate, Gudiyattam, Vellore District
2. The Sub Jail, Gudiyattam.
3. The Inspector of Police,
Melpatti Police Station,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL. J.

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