



CrI.O.P.No.29064 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**

CrI.O.P.No.29064 of 2023

Imran
S/o.Ameen

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Ambur Town Police Station,
Vellore District.
(Crime No.542 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.542 of 2023 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

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

ORDER

The petitioner seeks bail in Crime No.542 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)



CrI.O.P.No.29064 of 2023

1957. He had been arrested and remanded to judicial custody on 18.12.2023.

2. The case of the prosecution is that the petitioner was alleged to have transported $\frac{1}{4}$ unit of river sand in an Auto without having valid permit. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand in an Auto without valid permit. She would further submit that no previous case is pending against the petitioner. However, she objected to grant bail to the petitioner.



CrI.O.P.No.29064 of 2023

WEB COPY

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 case pending against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, 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 learned Judicial Magistrate, Ambur, and on further conditions that :-

[b] 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.

[c] the petitioner 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 petitioner shall not commit any offences of similar nature.



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CrI.O.P.No.29064 of 2023

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

[f] the petitioner 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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CrI.O.P.No.29064 of 2023

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To

1. The Judicial Magistrate, Ambur .
2. The Central Prison, Vellore.
3. The Inspector of Police,
Ambur Town Police Station,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29064 of 2023

P.DHANABAL. J.

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Crl.O.P.No.29064 of 2023

28.12.2023