



CrI.O.P.No.29076 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.29076 of 2023

Sachithanath
Son of Ravi

...Petitioner/2nd Accused

Vs.

The State represented by
Inspector of Police,
Virunchipuram Police Station,
Vellore District

(Crime No.304 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.304 of 2023 on the
file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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



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ORDER

The petitioner seeks bail in Crime No.304 of 2023, registered by the respondent police for the offences punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. The petitioner had been arrested and remanded to judicial custody on 10.12.2023.

2. The case of the prosecution is that the petitioner was alleged to have transported one unit of river sand in a TATA Ace. Hence the complaint.

3. The learned counsel for the petitioner stated that the petitioner is an innocent and he has been falsely implicated in this case. He further stated that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor for the respondent stated that the petitioner has illegally transported one unit of river sand in a TATA Ace and there is no previous case against this petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the submissions made on either side, considering the nature of offences and the quantity of material involved in this case and no previous case is pending against the petitioner and taking into consideration the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Revenue Officer, Vellore 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 learned Judicial Magistrate-IV, Vellore and on further conditions that :-



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[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 every Saturday at 10.30 a.m., for a period of four 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 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.

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P.DHANABAL. J.

gpa/dpa

To

1. The Judicial Magistrate-IV, Vellore
- 2.Vellore Central Prison, Thorapadi
3. The Inspector of Police,
Virunchipuram Police Station,
Vellore District
- 4.The Public Prosecutor,
High Court of Madras.

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