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Crl.O.P.No.664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

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

Crl.O.P.No.664 of 2024

Suman S/o. Sampath

... Petitioner

Vs.

The State represented by  
The Sub Inspector of Police,  
Gudiyatham Town Police Station,  
Vellore District.  
Crime No.827 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.827 of 2023 on the file of  
the respondent Police.

For Petitioner : Mr.D.Anandan

For Respondent : Mr.L.Baskaran  
Government Advocate (Crl. Side)



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### **ORDER**

The petitioner who was arrested and remanded to judicial custody on 26.12.2023 for the offences registered under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.827 of 2023 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported four cement bags of river sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent police submitted that the quantity of river sand involved is four cement bags. He further submitted that there are two previous cases against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5..But however, taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. 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, Gudiyatham** 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 make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Registered Advocate Clerk Association, High Court of Madras, Chennai..**

[c] **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.**

[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



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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].

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

12.01.2024

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To

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

**C.V.KARTHIKEYAN, J.**



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