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Crl.O.P.No.868 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.868 of 2024

Balamurugan

S/o. Boopathy

... Petitioner/ Accused

Vs.

State rep. by
The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
Crime No.556 of 2023

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail pending investigation in Crime
No.556 of 2023 on the file of the respondent police.

For Petitioner : Mr. C.D.Sugumar

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



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ORDER

The petitioner seeks bail in Crime No.556 of 2023, registered by the respondent police for the offences punishable under Sections 379 and 430 of IPC and Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 and he had been arrested and remanded to judicial custody on 23.12.2023.

2. The case of the prosecution is that the petitioner is alleged to have transported 1 unit of Norambu 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 Norambu sand involved is 1 unit. He further submitted that there is one previous case against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioner is directed to jointly deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) as non refundable deposit to the credit of District Revenue Officer, Thirupathur District, without prejudice to their 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:

8. Accordingly, the petitioner shall make a non-refundable deposit of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) as non refundable deposit to the credit of District Revenue Officer, Thirupathur,



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and on such deposit and production of proof, the petitioner is ordered to be released on bail on executing 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 – I, Thirupathur District, 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 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].



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

12.01.2024

smv

To

- 1.The Judicial Magistrate – I, Thirupathur District.
- 2.The Sub-Jail, Thirupathur District.
- 3.The Inspector of Police,
Jolarpet Police Station,
Thirupathur District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

smv

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