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CrI.O.P.No.1246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

CrI.O.P.No.1246 of 2024

Nandhakumar

S/o. Pandiyan

... Petitioner/ Accused

Vs.

State rep. by
The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
Crime No.788 of 2023

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail pending investigation in Crime
No.788 of 2023 on the file of the respondent police.

For Petitioner : Mr. G. Vinodh Kumar

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



CrI.O.P.No.1246 of 2024

WEB COPY

ORDER

The petitioner seeks bail in Crime No.788 of 2023, registered by the respondent police for the offences punishable under Sections 379 and 430 of IPC and he had been arrested and remanded to judicial custody on 13.12.2023.

2. The case of the prosecution is that the petitioner is alleged to have transported four 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 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. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.1246 of 2024

WEB COPY

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.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of District Revenue Officer, Vellore 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.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of District Revenue Officer, Vellore, and on such deposit and



CrI.O.P.No.1246 of 2024

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, 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 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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CrI.O.P.No.1246 of 2024

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

23.01.2024

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To

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



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CrI.O.P.No.1246 of 2024

C.V.KARTHIKEYAN. J.

smv

CrI.O.P.No.1246 of 2024

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