

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

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

Crl.O.P.No.1402 & 1403 of 2024

Naveen S/o. Subramani

...Petitioner/Accused-2
in Crl.O.P.No.1402 of 2024

Somu S/o. Vijayakumar

...Petitioner/Accused-1
in Crl.O.P.No.1403 of 2024

Vs.

State represented by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

(Crime No.8 of 2024)

...Respondent in both Crl.O.Ps.

COMMON PRAYER:

Criminal Original Petitions filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner in both the criminal original petitions on
bail concerned in Crime No.8 of 2024 on the file of the respondent police
on such terms and conditions.

(In both Crl.O.Ps)

For Petitioner : Mr.D.Thirumoorthy

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

COMMON ORDER

The petitioners/A1 & A2 seek bail in Crime No.8 of 2024, registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC. They had been arrested and remanded to judicial custody on 06.01.2024.

2. The case of the prosecution is that the petitioners were alleged to have transported 1 unit of Morambu sand in a Tractor. Hence the complaint.

3. The learned counsel for the petitioner in both the criminal original petitions stated that the petitioners are innocent and they have been falsely implicated in this case. He further stated that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally transported 1 unit of Morambu sand in a Tractor. Hence, he vehemently opposed to grant bail to the petitioners.

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the Tamilnadu Advocate's Clerk's Association, Madras; A/c.No.484026006; IFSC No.IDB000M157 without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners deposit the said amount, it would not amount to admission of their 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 in both the criminal original petitions subject to the following conditions:

8. Accordingly, the petitioners shall make non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Tamilnadu Advocate's Clerk's Association, Madras; A/c.No.484026006; IFSC No.IDB000M157, and on such deposit and production of proof, the

petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Gudiyatham, Vellore 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 petitioners 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 petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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].

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

29.01.2024

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To

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

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C.V.KARTHIKEYAN. J.

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