



Crl.O.P.No.1484 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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

Crl.O.P.No.1484 of 2024

1.Ramesh S/o. Selvam
2.Naveen S/o. Yuvaraj

...Petitioners/Accused 1 & 2

Vs.

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

(Crime No.09 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.09 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioners seek bail in Crime No.09 of 2024, registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC. The petitioners 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 10 bags of river sand in two-wheeler. Hence the complaint.

3. The learned counsel for the petitioners 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



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stated that the petitioners have illegally transported 10 bags of river sand in two-wheeler. 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 jointly deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the **District Revenue Officer, Vellore District**, 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 petitioners subject to the following conditions:

8. Accordingly, the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) jointly to the credit of the



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District Revenue Officer, Vellore District, 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, 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



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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.
2. The Superintendent,
Central Prison, Vellore.
3. The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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