



Crl.O.P.No.2308 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

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

Crl.O.P.No.2308 of 2024

1.Sivamohan

2.Sekar

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.

(Crime No.561 of 2023)

...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.561 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner s : Mr.M.Vijayaragavan

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



Crl.O.P.No.2308 of 2024

WEB COPY

ORDER

The petitioners seek bail in Crime No.561 of 2023, registered by the respondent police for the offences punishable under Sections 379, 430 of IPC and Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. They had been arrested and remanded to judicial custody on 06.01.2024.

2. The case of the prosecution is that the petitioner was alleged to have transported 1/2 unit of river sand in a van. 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.



Crl.O.P.No.2308 of 2024

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally transported 1/2 unit of river sand in van. 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/- (Rs.5000/- each) as non refundable deposit to the credit of the **District Revenue Officer, Thiruvarur District**, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners deposits 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:



WEB COPY

8. Accordingly, the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rs.5000/- each) to the credit of the **District Revenue Officer, Thiruvarur 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, Thiruthuraipoondi, 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., until further orders.

[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 petitioners in accordance



CrI.O.P.No.2308 of 2024

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.

07.02.2024

ata



WEB COPY



Crl.O.P.No.2308 of 2024

C.V.KARTHIKEYAN. J.

ata

To

1. The Judicial Magistrate, Thiruthuraipoondi.
2. The Sub Jail, Thiruthuraipoondi.
3. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.2308 of 2024

07.02.2024