



Crl.O.P.No.2659 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.2659 of 2024

Nandu@Nandhakumar@Nanthakumar

...Petitioner

Vs.

State represented by
The Inspector of Police,
Katpadi Police Station,
Vellore
(Crime No.14 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.14 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr. D. Padmanabhan

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

ORDER



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The petitioner seeks bail in Crime No.14 of 2024, registered by the respondent police for the offences punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation Act) 1957. The petitioner had been arrested and remanded to judicial custody on 25.01.2024.

2. The case of the prosecution is that the petitioner along with other accused were alleged to have transported 8 units of river sand in Lorry . Hence the complaint.

3. The learned counsel for the petitioner stated that the petitioner are innocent and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner along with other accused have illegally transported 8 units of river sand in Lorry. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances and



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the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Katpadi** 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., until further orders.

[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



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of Kerala [(2005)AIR SCW 5560].

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

13.02.2024

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Note: The Registry is directed to carry out the correction in the name of the petitioner in the petition based on the memo filed by the petitioner.

To

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



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C.V.KARTHIKEYAN. J.

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