



CrI.O.P.No.3578 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

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

CrI.O.P.No.3578 of 2024

1.Murali
2.Jaishankar
3.Elumalai
4.Sekar

...Petitioners

Vs.

State represented by
The Inspector of Police,
Veppamkuppam Police Station,
Vellore District.
(Crime No.79 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.79 of 2024 on the file of the respondent police on such terms and conditions.

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



Cr.L.O.P.No.3578 of 2024

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ORDER

The petitioners seek bail in Crime No.79 of 2024, registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. The petitioners had been arrested and remanded to judicial custody on 04.02.2024.

2. The case of the prosecution is that the petitioners were alleged to have transported 2 ½ units of river sand by using JCB and Tractors. Hence the complaint.

3. The learned counsel for the petitioners stated that the petitioners are innocents 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 (Cr.L. Side) for the respondent stated that the petitioners had illegally transported 2 ½ units of river sand by using JCB and Tractors. Hence, he vehemently opposed to grant



CrI.O.P.No.3578 of 2024

bail to the petitioners.

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are jointly directed to deposit a sum of Rs.30,000/- (Rupees Thirty 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 all other factors and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners shall jointly make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the 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



CrI.O.P.No.3578 of 2024

satisfaction of the Judicial Magistrate No.III, Vellore 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 petitioners 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



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CrI.O.P.No.3578 of 2024

can be registered under Section 229A IPC.

21.02.2024

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To

1. The Judicial Magistrate No.III, Vellore.
2. The Central Jail, Vellore.
- 3.The Inspector of Police,
Veppamkuppam Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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CrI.O.P.No.3578 of 2024

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CrI.O.P.No.3578 of 2024

21.02.2024