



Crl.O.P.No.5305 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

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

Crl.O.P.No.5305 of 2024

Gowrappan

...Petitioner

Vs.

State Represented by by
The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.166 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.166 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr. M. Ezhumalai

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

ORDER



Crl.O.P.No.5305 of 2024

WEB COPY

The petitioner seeks bail in Crime No.166 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 21.02.2024.

2. The case of the prosecution is that the petitioner said to have transporting 25 kgs of river sand in 5 bags in a two wheeler. 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 petitioner said to have transporting 25 kgs of river sand in 5 bags in a two wheeler. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.5305 of 2024

WEB COPY

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioner are directed to jointly deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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 subject to the following conditions:

8. Accordingly, the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees ten Thousand only) jointly to the credit of the District Revenue Officer, **Vellore District**, and on such deposit and production of proof, the petitioner are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten



Crl.O.P.No.5305 of 2024

WEB COPY

Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court, 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 petitioner 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 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 of Kerala [(2005)AIR SCW 5560].

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



WEB COPY



CrI.O.P.No.5305 of 2024

05.03.2024

smn

To

1. The **Judicial Magistrate Court, Gudiyatham.**

2. The Sub Prison-Gudiyatham

3. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.166 of 2024)

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

smn



WEB COPY



Crl.O.P.No.5305 of 2024

Crl.O.P.No.5305 of 2024

05.03.2024