



Crl.O.P.No.5651 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

Crl.O.P.No.5651 of 2024

Elumalai

...Petitioner

Vs.

State represented by
The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
Crime No.227 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.227 of 2024 on the file of the respondent Police.

For petitioner : M/s.R.Raji

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was remanded to judicial custody on 23.02.2024 for the offences registered by the respondent Police under Sections 379 and 430 of IPC, in Crime No.227 of 2024 seeks bail.



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2. There were totally 6 accused and the petitioner is arrayed as A3.

The case of the prosecution is that the petitioner along with other accused were alleged to have transported 4 units of gravel sand by using two lorries bearing registration No.TN 49 AJ 5218 and TN 37 BR 3299 respectively.

3.The learned counsel for the petitioner stated that the other accused had been granted bail.

4.The learned Government Advocate (Crl. Side) for the respondent stated that the investigation has been completed and final report had also been filed.

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the **District Revenue Officer, Villupuram District**, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his 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 petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Revenue Officer, Villupuram District and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a 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 learned District Munsif cum Judicial Magistrate, Thiruvannainallur 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.



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[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.

07.03.2024

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To

1. The District Munsif cum Judicial Magistrate, Thiruvannainallur.
2. The District Jail, Vedampattu.
3. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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