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Crl.O.P.No.6324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.03.2024**

CORAM

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

Crl.OP.No.6324 of 2024

1. Saravanan

2. Vinothkumar

...Petitioners

Vs.

State Represented by the Inspector of Police,
Katpadi Police Station,
Vellore District.(Crime No.78 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in FIR in Crime No.78 of 2024 on
the file of the respondent police.

For Petitioners : Mr.V. Parthiban

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

ORDER

The petitioners who were arrested and remanded to judicial
custody on 14.02.2024 for the offences registered under Sections under



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Sections 379 and 430 of I.P.C r/w Section 21(1) of the Mines and Minerals (Development and Regulation Act in Crime No.78 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the first petitioner/A1 is the driver and the second petitioner/A2 is the cleaner of the lorry. It is stated that the petitioners along with other accused said to have transporting 12 units of river sand in a Lorry. Hence the complaint.

3.The learned Government Advocate for the respondent submitted that there are no previous case against the second petitioner. He further submitted that the first petitioner/A1 was detained under Act Tamil Nadu Act 14 of 1982.

4. The learned counsel for the petitioner seeks permission of this Court to withdraw this petition for the first petitioner/A1 and he has also made an endorsement to that effect.



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5. Considering the submission made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with regard to the first petitioner/A1. Taking into consideration the period of incarceration, I am inclined to grant bail to the second petitioner/A2 subject to the following conditions:

5. Accordingly, the second petitioner/A2 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 second petitioner/A2 shall report before the respondent Police, daily at 10.00 a.m., until further orders.

[c] the **second petitioner/A2** shall not abscond either during investigation or trial.



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[d] the **second petitioner/A2** 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 **second petitioner/A2** in accordance with law as if the conditions have been imposed and the **second petitioner/A2** 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.

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C.V.KARTHIKEYAN, J.

smn

To

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

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