



Crl.O.P.No.6653 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

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

Crl.O.P.No.6653 of 2024

1.Balasubramaniyan

2.Kalaivanan

...Petitioners/Accused 1 & 2

Vs.

State represented by
The Inspector of Police,
Alivalam Police Station,
Thiruvarur District.

(Crime No.56 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.56 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioners/A1 and A2 seek bail in Crime No.56 of 2024 registered by the respondent police for the offences punishable under Sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. The petitioners had been remanded to judicial custody on 27.02.2024.

2. The case of the prosecution is that on 27.02.2024, the petitioners attempted to take sand by using JCB in their land. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioners have illegally attempted to take sand in their land. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 Judicial Magistrate Court, Thiruthuraipoondi, 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., until further orders.

[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.



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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 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 can be registered under Section 229A IPC.

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C.V.KARTHIKEYAN. J.

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To

- 1.The Judicial Magistrate Court, Thiruthuraipoondi.
- 2.The Inspector of Police,
Alivalam Police Station,
Thiruvarur District.
- 3.The Public Prosecutor,
High Court of Madras.

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