



Crl.O.P.No.6844 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

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

Crl.O.P.No.6844 of 2024

1.R.Naresh
2.E.Manikandan
3.J.Periyasamy

..Petitioners

Vs.

State represented by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.51 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.51 of 2024 on the file of the respondent police.

For petitioners : Mr.A.Rajakumar

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.03.2024 for the offences registered by the respondent



Crl.O.P.No.6844 of 2024

Police under Sections 379 IPC and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.51 of 2024 on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners were alleged to have transported 9 units of gravel sand by using three tipper lorries bearing registration Nos.TN 22 CU 7596, TN 46 K 2572 and TN 46 AB 9399 respectively.

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 (Crl.side) stated that there were totally 4 accused. The petitioners are arrayed as A2 to A4. A1 who is the owner of the lorries, is still absconding.

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit



Crl.O.P.No.6844 of 2024

to the credit of the **District Revenue Officer, Salem 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 make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the District Revenue Officer, Salem 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 satisfaction of the Judicial Magistrate No.II, Attur 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



Crl.O.P.No.6844 of 2024

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 can be registered under Section 229A IPC.

20.03.2024

vkrr

To

1.The Judicial Magistrate No.II, Attur.

2. The Sub Jail, Attur.



Crl.O.P.No.6844 of 2024

WEB COPY

3.The Inspector of Police,
Thalaivasal Police Station,
Salem District.

4.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.6844 of 2024

C.V.KARTHIKEYAN. J.

vkr

Crl.O.P.No.6844 of 2024

20.03.2024