



Crl.O.P.No.6770 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

Crl.O.P.No.6770 of 2024

Kubendiran

..Petitioner

Vs.

State represented by
The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
(Crime No.93 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.93 of 2024 on the file of the respondent police.

For petitioner : Mr.G.Vinodhkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.02.2024 for the offences registered by the respondent Police under Sections 379, 430 IPC and 21(1) of the Mines and Minerals



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(Development and Regulation) Act, 1957, in Crime No.93 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was alleged to have transported 1/2 unit of river sand by using bullock cart.

3. The learned counsel for the petitioner stated that the petitioner is an innocent and he has been falsely implicated in this case. He further stated that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. 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, Vellore 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



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petitioner 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, Vellore District and on such deposit and production of proof, the petitioner is ordered to be released on bail on 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 Judicial Magistrate, 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



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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.

21.03.2024

vkr

To

- 1.The Judicial Magistrate, Gudiyatham.
2. The Central Prison, Vellore.
- 3.The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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