



Crl.O.P.No.7164 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

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

Crl.O.P.No.7164 of 2024

1.Ganjenthiran

2.Magesh

...Petitioners/A1 & A2

Vs.

State represented by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.181 of 2024)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.181 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner s : Mr.A. Saranraj

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



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ORDER

The petitioners / A1 & A2 seek bail in Crime No.181 of 2024, registered by the respondent police for the offences under Sections 430 & 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 3(1) of TNPPDL Act. The petitioners had been remanded to judicial custody on 22.02.2024.

2. The case of the prosecution is that the petitioners were alleged to have transported five bags of river sand in a two-wheeler. Hence the complaint.

3. The learned counsel for the petitioners stated that the petitioners are innocent 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) for the



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respondent stated that the petitioners have illegally transported five bags of river sand in a two-wheeler. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. Merely, because the petitioners deposits 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 the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners shall jointly make a non-refundable



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deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Revenue Officer, Kanchipuram 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, Kanchipuram, 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 action against the petitioner in accordance with law as if the conditions have been imposed and the



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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.

22.03.2024

ata

C.V.KARTHIKEYAN. J.



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To



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ata

1. The Judicial Magistrate No.II, Kancheepuram.
2. The Sub Jail, Kancheepuram.
- 3.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court of Madras.

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