



WEB COPY



Crl.O.P.No.7400 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.03.2024**

CORAM

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

Crl.OP.No.7400 of 2024

1. Edison
2. Tamil Selvan

... Petitioners

Vs.

The State represented by
Sub Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
Cr.No.171 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.171 of 2024 on the
file of the respondent.

For Petitioners : Mr.S.Santhan

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



Crl.O.P.No.7400 of 2024

WEB COPY

ORDER

The petitioners/A1 and A4 in Crime No.171 of 2024 who were arrested and remanded to judicial custody on 10.03.2024, registered by the respondent police for the offences under Sections 379, 430 of IPC r/w 21(1) M & M (D&R) Act seek bail.

2. The case of the prosecution is that the petitioners were alleged to have transported 4 bags of river sand in a vehicle . 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 respondent stated that the petitioners have illegally transported 4 bags of river sand in a vehicle. Hence, he vehemently opposed to grant bail to the petitioners.



CrI.O.P.No.7400 of 2024

5. In order to curb illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit jointly a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the **District Revenue Officer, Vellore 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 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 deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the **District Revenue Officer, Vellore District** and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand



Crl.O.P.No.7400 of 2024

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 petitioners shall report before the respondent Police, daily at 10.00 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.

[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.

28.03.2024

Vv



WEB COPY



Crl.O.P.No.7400 of 2024

C.V.KARTHIKEYAN, J.

Vv

To

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

Crl.OP.No.7400 of 2024

28.03.2024