



WEB COPY



Crl.O.P.No.7894 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.7894 of 2024

Karthi @ Karthikeyan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Veeraganur Police Station,
Salem District.
Cr.No.12 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.12 of 2024 pending on
the file of the respondent.

For Petitioner : Mr.T.Saravanan

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

ORDER

The petitioner/accused in Crime No.12 of 2024 who was arrested
and remanded to judicial custody on 04.03.2024, registered by the respondent



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police for the offences under Sections 379 of IPC r/w 21(1) Mines & Minerals (Development & Regulation) Act seeks bail.

2. The case of the prosecution is that the petitioner was alleged to have transported 1 unit of river sand in a vehicle . Hence the complaint.

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. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner had illegally transported 1 unit of river sand in a vehicle. Hence, he vehemently opposed to grant bail to the petitioner.

5. 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) on or before 12.04.2024 as non refundable deposit to the credit of the **District Revenue Officer, Salem District,**



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without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner 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 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, Salem 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-I, Attur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left



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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, daily at 10.00 a.m., until further orders.

[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 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.

28.03.2024

Vv

C.V.KARTHIKEYAN, J.



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To

1. The **Judicial Magistrate-I,**
Attur
2. The The Inspector of Police,
Veeraganur Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
Madras High Court.



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