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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9866 of 2024

Gandhi

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Kalambur Police Station,
Tiruvannamalai District.
Crime No. 176 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in crime No. 176 of 2024 pending
investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj. E
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2024 for the alleged offences punishable under Sections Section 379, 430 IPC, r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 **in crime No. 176 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused person with illegal transportation of half unit sand without any permit. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner transported half unit of sand without any valid permit. Further, he stated the petitioner is having 2 previous cases.

4. Considering the period of incarceration undergone by the petitioner and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Arani, Tiruvannamalai**, 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 daily at 10.30 a.m., for a period of two months. Further, the petitioner is directed to deposit a sum of **Rs.10,000/- (Ten Thousand Only)** to the credit of **Registered Advocate Clerk Welfare Association, Tiruvannalai District** within a period of two weeks from the date of receipt of a copy of this order ;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.04.2024

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T.V.THAMILSELVI,J.



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To

1. The **Judicial Magistrate, Arani, Tiruvannamalai.**

2. The Inspector of Police
Kalambur Police Station,
Tiruvannamalai District.

3. The Sub jail, Polur.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9866 of 2024

23.04.2024