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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

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

CrI.O.P.No.10470 of 2024

Perumal

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Melpatti Police Station,
Vellore District. Crime No. 199 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail pending investigation in crime
No. 199 of 2022 on the file of the respondent police.

For Petitioner : Mr.G.Nirmal Krishnan
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 05.04.2024 for the alleged offences punishable under Sections 379, 430 IPC r/w 21(1) of M & M (D&R) Act 1957 **in crime No. 199 of 2022** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was illegally transported 1/4 units of sand without any valid permit. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also stated that co-accused has been released on bail. On the other side, the learned Government Advocate (Crl. side) submits that there are 21 previous cases pending against the petitioner.

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



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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, 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 stay at Namakkal and report before the Town police station daily at 10.30 a.m., for a period of three months 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 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.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate, Gudiyatham.**
2. The Inspector of Police
Melapatti Police Station,
Vellore District.
3. The Central jail, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10470 of 2024

29.04.2024