



Crl.O.P.No.11063 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

**Crl.O.P.No.11063 of 2024**

1. Lakshmanan

2. Kodeeswaran

...Petitioners

Vs.

The State represented by  
The Sub Inspector of Police,  
Jolarpet Police Station.  
(Crime No.210 of 2024)

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.210 of 2024 on the file of the respondent Police.

For petitioners : Mr. E.Kannadasan

For Respondent : Mr.S.Santhosh  
Government Advocate (Crl. Side)

**ORDER**

The petitioners who were arrested and remanded to judicial



CrI.O.P.No.11063 of 2024

custody on 17.04.2024 for the offences registered under Sections under Sections 379 and 430 of I.P.C r/w Section 21(1) of the Mines and Minerals ( Development and Regulation Act),1957 in Crime No.210 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the first petitioner/A1 is the driver and the second petitioner/A2 is the cleaner of the lorry. It is stated that the petitioners have transporting 8 units of river sand in a Lorry. Hence the complaint.

3.The learned Government Advocate for the respondent submitted that there are no previous case against the second petitioner. He further submitted that there was 4 previous cases pending against the first petitioner.

**r. Considering the fact that there was four previous cases pending against the first petitioner, this petition is dismissed with regard to the first petitioner/A1. Taking into consideration the period of incarceration, I am inclined to grant bail to the second petitioner/A2**



CrI.O.P.No.11063 of 2024

**subject to the following conditions:**

5. Accordingly, the second petitioner/A2 is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Thirupathur**, 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 second petitioner/A2 shall report before the respondent Police, daily at 10.00 a.m., until further orders.**

[c] the **second petitioner/A2** shall not abscond either during investigation or trial.

[d] the **second petitioner/A2** 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



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CrI.O.P.No.11063 of 2024

appropriate action against the **second petitioner/A2** in accordance with law as if the conditions have been imposed and the **second petitioner/A2** 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.

**08.05.2024**

smn

To

1. The Judicial Magistrate No.I, Thirupathur.
2. The Borstal School (Central Prison), Vellore.
3. The Sub Inspector of Police,  
Jolarpet Police Station, Thirupathur District.
- 4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.11063 of 2024

**K. KUMARESH BABU. J.**

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**Crl.O.P.No.11063 of 2024**

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