



CrI.O.P.No.11153 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

CrI.O.P.No.11153 of 2024

Duraisamy

...Petitioner

Vs.

State represented by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore District.
(Crime No.249 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.249 of 2024 on the file of the Inspector of Police, Gudiyatham Taluk Police Station, Gudiyatham, Vellore District.

For petitioner : Mr.G.Vinodhkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2024 for the offences under Sections 379 & 430 of IPC read



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with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.249 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 5 bags (250 kgs) of river sand in a two wheeler Hero Splender Plus bearing registration No.TN 23 CZ 7761 without permit. Hence the complaint.

3. The learned counsel for the petitioner stated that the petitioner is innocent and he has been falsely implicated in this case. 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 5 bags (250 kgs) of river sand in a two wheeler. He further submitted that this petitioner is having one previous case. Hence, he vehemently opposed to grant bail to the petitioner.



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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.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 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.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 petitioner is ordered to be released on bail on executing a bond



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for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall report before the respondent Police **on everyday at 10.30 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



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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.

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To

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



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K. KUMARESH BABU. J.

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