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Crl.O.P.No.11210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11210 of 2024

Duraisamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

(Crime No.279 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.279 of 2024, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Ms. Shahana Fathima for
Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER



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The petitioner was arrested and remanded to judicial custody on 21.04.2024, for the offences punishable under Sections 379, 430 and 414 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.279 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, when they found that the accused were illegally transporting 10 bags of river sand in their two wheelers Hero Splender Plus bearing registration No.TN 25 AW 7344 and Max Suzuki 100 bearing No.KA 14 L 2499, without any valid permission or license. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. The second accused was granted anticipatory bail in Crl.O.P.No.10354 of 2024 vide order dated 26.04.2024. He further submitted that the petitioner has been in judicial custody from 21.04.2024 and also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court,



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hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner along with other accused had illegally transported 10 bags of river sand in their vehicle viz., Hero Splender Plus bearing registration No.TN 25 AW 7344 and Max Suzuki 100 bearing No.KA 14 L 2499, without any valid permission or license. She further submitted that three previous cases of similar nature are pending as against the petitioner. Hence, she opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the co-accused was granted anticipatory bail, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



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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, Gudiyatham and on further conditions that:

[a] the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the **Advocate Clerk Association, Vellore District** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of eight weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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[f] 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 has been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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C.SARAVANAN.,J.

gsk

To

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

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