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CrI.O.P.No.11297 of 2024

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.11297 of 2024

- 1.Sudhakar
- 2.Murugesan
- 3.Soundarrajan
- 4.Vasu
- 5.Anand

...Petitioners

Vs.

State represented by
The Inspector of Police,
C1, Sriperumbudur Police Station,
Kancheepuram District.
Crime No.330 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners/accused Nos.1 to 5 on bail in Crime No.330 of 2024 pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.S.Harish

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



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ORDER

The petitioners who were arrested and remanded to judicial custody on 23.04.2024 for the offences registered by the respondent Police under Sections 430, 379 r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.330 of 2024, seek bail.

2. The case of the prosecution is that the petitioners were alleged to have transported 3 units of savudu sand by using three number of lorries and two number of JCB vehicles from Pillaipakkam Lake and it was found that there was three units of sand in each lorries, totalling to nine units of savudu sand. Hence, the complaint against the petitioners.

3. The learned counsel for the petitioners stated that the petitioners are innocents and they have been falsely implicated in this case. He further stated that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the



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petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners had illegally transported 9 units of savadu sand. There is one previous case pending against first petitioner. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriperumbudur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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To

1. The Judicial Magistrate, Sriperumbudur.
2. The Superintendent, Sub Jail, Kancheepuram.
3. The Inspector of Police, C1, Sriperumbudur Police Station,
Kancheepuram District.
4. The Public Prosecutor, High Court of Madras.



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K.KUMARESH BABU. J.

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