



Crl.O.P.No.12466 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12466 of 2024

1.Elumalai,
S/o. Raman

2.Perumal Raja,
S/o. Sabapathy

3.Baskaran,
S/o. Govindaraj

... Petitioners

Versus

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

(Crime No.160 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.160/2024, pending on the file of the respondent Police.

For Petitioners : Mr. D. Thirumoorthy

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl.Side)



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ORDER

The petitioners were arrested and remanded to judicial custody on 26.04.2024, for the offences punishable under Sections 379 and 430 of IPC read with Section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.160 of 2024, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/accused persons were involved in illegal theft of $\frac{1}{4}$ unit of river sand and had attempted to transport the same without obtaining proper license. Hence, this complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they are in no way connected with the alleged offence and a false complaint has been foisted against them. He further submitted the petitioners had moved a bail petition in Cr.M.P.No.1361 of 2024 before the learned Vacation Judge at Vellore, but, the same was dismissed by the learned Judge on 15.05.2024. He also submitted that the petitioners are in custody since 26.04.2024 and they are ready to abide by



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any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioners stating that the petitioners 1 and 3 are involved in similar offences on earlier occasions. As far as the first petitioner/A1 is concerned, three cases are pending against him and as against the third petitioner/A3, one previous case is pending. Insofar as the second petitioner/A2 is concerned, there is no previous case pending against him.

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

6. Considering the facts and circumstances of the case and also of the fact that these petitioners have been in judicial custody since 26.04.2024, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each**, to the credit of Crime No.160 of 2024 and on such deposit, the petitioners are ordered to be released on bail on executing separate bonds 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, Katpadi**, 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 petitioners shall report before respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

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To

1. The Judicial Magistrate,
Katpadi.
- 2.The Inspector of Police,
Katpadi Police Station,
Vellore District.
3. The Superintendnet of Prison, Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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