



Crl.O.P.No.12977 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S. SOUNTHAR

Crl.O.P.No.12977 of 2024

Kuppusamy

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District,
Crime No. 262 of 2024.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.262 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.B. Abdul Samath

For Respondent : Ms.Inshiya Farveen Iqbal
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.No.12977 of 2024

ORDER

The petitioner seeks bail in Crime No.262 of 2024, registered by the respondent police for the offences punishable under Sections 147,294(b), 323,427,353,379,506(i) and 21(1) of Mines and Minerals Development and Regulation Act. The petitioner had been arrested and remanded to judicial custody on 10.05.2024.

2. The case of the prosecution is that the petitioner along with other accused were alleged to have transported $\frac{1}{2}$ unit of river sand in a bullock cart. Hence the complaint.

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



Crl.O.P.No.12977 of 2024

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner have illegally transported ½ unit of river sand in a bullock cart . Hence, he vehemently opposed to grant bail to the petitioner.

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, Kallakurichi 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:



CrI.O.P.No.12977 of 2024

WEB COPY

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, Kallakurichi District**, and on such deposit and production of proof, the petitioner are ordered to be released on bail on their executing separate 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 **Judicial Magistrate II at Ulundurpet** 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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



CrI.O.P.No.12977 of 2024

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 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.

30.05.2024

smn

To

1. The **Judicial Magistrate II at Ulundurpet**

2. The Sub Jail Ulundurpet

3. Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District,

4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.12977 of 2024

S. SOUNTHAR. J.

smn

Crl.O.P.No.12977 of 2024

30.05.2024