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CrI.O.P.No.20177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.20177 of 2024

Harish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District,
(Crime No. 421 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, pending investigation in Crime No.
421 of 2024 on the file of the respondent Police.

For Petitioner : Mr.D.Thirumoorthy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.07.2024, for the alleged offences punishable under Section 303(2) and
326 of BNS r/w 21(1) of Mines & Minerals (Development & Regulation)



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Act, 1957 in Crime No.421 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal transportation of 1/4 unit of river sand in a bullock cart without having any valid permission. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal transportation of 1/4 unit of river sand in a bullock cart without any valid permission from the competent authority and that the property was also



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seized. He further submitted that the petitioner has 4 previous cases, similar in nature, pending against him, and thereby, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, quantity involved and the period of incarceration undergone by the petitioner and also considering that the petitioner has 4 previous cases, in all of the cases, he has been released on bail, and also considering the fact that the material was already seized by the officials, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Gudiyatham, Vellore District, and on further conditions that:-

[a] the petitioner shall report before the respondent police, on



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every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 BNS.

21.08.2024

drl

To



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- 1.The Judicial Magistrate,
Gudiyatham, Vellore District.
- 2.The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District,
- 3.The Superintendent,
Sub Jail, Gudiyatham.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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