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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17691 of 2022

Manoj @ Manoj Kumar

... Petitioner/2nd Accused

Vs

The Sub Inspector of Police,
Ammapettai Police Station,
Thanjavur District,
(In Crime No.455/2019).

... Respondent/Defacto Complainant

For Petitioner : M/s.Mahendren.T,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

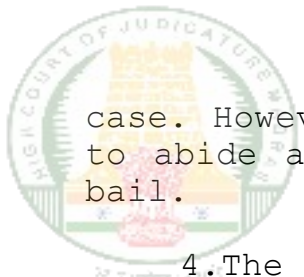
For Bail in Crime No.455 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections 379 of IPC r/w 21(4) of Mines and Minerals Act (Development and Regulation) Act, 1957, in Crime No.455 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported two units of river sand by using TATA 407 Vehicle bearing Registration No.TN-57-Z-8069. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/A2 is innocent and he has been falsely implicated in this



case. However, he would further submit that the petitioner is ready to abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition stating that the petitioner and other accused have transported two units of river sand illegally and the petitioner is having six previous cases, which are similar in nature.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is in judicial custody from 22.09.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Karthika Public Educational and Charitable Trust, (Indian Bank, A/c No.497663303, Branch Code: 00165, IFSC Code: IDBI000M023, Mayiladuthurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)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;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/10/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PAPANASAM.
- 4 THE SUB INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 6 THE OFFICER INCHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST,
MAYILADUTHURAI.

ORDER

IN

CRL OP(MD) No.17691 of 2022

Date : 06/10/2022

SS/06/10/2022/ 3P 7C

<https://www.mhc.tn.gov.in/judis>