



Crl.OP.No.11972 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11972 of 2023

Rajkumar

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
Crime No.279 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.279 of 2023 on the file
of Inspector of Police, Muthupettai Police Station, Thiruvarur District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner/A1, who was arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.279 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/4 unit of river sand without any valid permission. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the Petitioner had illegally transported 1/4 unit of river sand without any valid permission. He would further submit



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that there is no previous case pending against the petitioner. However, he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172”, and on such deposit, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



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two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Thiruthuraipoondi, Thiruvarur District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172” and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

(c) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(d) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;



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(e) the Petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(g) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(h) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

To

- 1.The Judicial Magistrate Thiruthuraipoondi,
Thiruvarur District.
- 2.The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
- 3.The Sub Jail,
Thiruthuraipoondi.
4. The Public Prosecutor,
High Court of Madras.

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