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Crl.OP.No.23574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **12.10.2023**

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.No.23574 of 2023

Abishek

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
Crime No.507 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.507 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.R.Kishore Kumar
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2023, for the offences punishable under Sections 379 IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.507 of 2023, on the file of the respondent police seeks bail.



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2. The learned counsel for the petitioner stated that, petitioner is an innocent person and he has been falsely implicated in a case registered in Crime No.507 of 2023, for the offences under Sections 379 IPC read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957. Thus, he seeks bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) submitted that, on 15.09.2023, at about 08.00.a.m., defacto complainant along with the police party were engaged in routine surveillance near Mudikondan Railway Gate, at Nannilam Village. At that time, they found the petitioner herein transporting four bags of river sand in a two wheeler bearing Registration No.TN 50 02 H 4158. On seeing the police, he tried to escape, but was apprehended by the police. It is also stated that the two wheeler and the river sand had been seized. There is one previous case pending against the petitioner. Thus, he prayed for dismissal of this petition.

4. Considering the fact that vehicle and the river sand had been recovered and having regard to the fact that, petitioner is in Judicial



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Custody from 15.09.2023, this Court is inclined to grant bail to the petitioner.

5. 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 learned **Judicial Magistrate, Nannilam** 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-** (Rupees Ten Thousand only), by way of Demand Draft to the District Revenue Officer, Nannilam, Thiruvarur District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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[c] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required by the respondent police.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.10.2023

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To

1. Judicial Magistrate, Nannilam.

2. The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
Crime No.507 of 2023

3. Central Prison, Trichy.

4. The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN, J.

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