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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11805 of 2023

Dharmadurai,

... Petitioner/Sole Accused

Vs

The state rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.270 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian K S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Bail in Crime No.270 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 15.06.2023 for the offences under sections 379 of IPC r/w.21(4) of Mines and Minerals Act, 1957 in Crime No.270 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of river sand in a tractor, hence the case.

3. Heard. Perused the materials available on record including the First Information Report.

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



4. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner , subject to the following conditions:

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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 learned Judicial Magistrate No.II, Kumbakonam 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) and shall produce the receipt before the concerned Magistrate at the time of executing the bond and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

sd/-

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30/06/2023

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

AAV



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
2. DO-THROUGH, THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, SUB JAIL, KUMBAKONAM.
4. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, MADURAI.

ORDER

IN

CRL OP(MD) No.11805 of 2023

Date :30/06/2023

SI/ / (30.06.2023) 3P/ 7C