



CRL OP(MD). No.17542 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17542 of 2023

Pandieswaran,

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(Crime No.617/2023).

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu.M, Advocate.

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

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

PRAYER :-

For Bail in Crime no.617/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.4, who was arrested and remanded to judicial custody on 14.09.2023 for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Regulations and Development) Act, 1957, in Crime No.617 of 2023 on

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the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 14.09.2023, when the police party was on patrolling duty, the petitioner along with five other accused persons had illegally transported 'river sand' by using 3 Bolero Pick-up vehicles each contains 1/2 units. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is having one previous case and involved in illegal transportation of 1 1/2 unit river sand using four wheeler. Hence, he opposed the grant of bail.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Pattukottai, Thanjavur District and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M.



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for a period of one month, thereafter as and when required for interrogation.

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

[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 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].

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

sd/-
29/09/2023

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29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
4 THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION, THANJAVUR DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.17542 of 2023

Date :29/09/2023

PKP/SAR- /29.09.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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