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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17769 of 2023

K.Balaji,

... Petitioner/ Accused No.1

Vs

State rep. by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No. 524/2023.

... Respondent/ Complainant

For Petitioner : M/s.Suyambulinga Bharathi K,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 524 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who was arrested and remanded to judicial custody on



22.09.2023 for the alleged offences punishable under Sections 379 of IPC r/w.21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.524 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have illegally transported two gunny bags of river sand in a two wheeler bearing Reg. No.TN 68 B 9133. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner in judicial custody from 22.09.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused have illegally transported two gunny bags of river sand in a two wheeler bearing Reg. No.TN 68 B 9133, hence he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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

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6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that no previous case is pending against the petitioner and also considering all other aspects, this Court is 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, Papanasam and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before respondent police once a week on every Monday at 10.00 am., until further orders.

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

(v) the petitioner shall not abscond during trial.



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
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5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
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SSA/05.10.2023/5P/6C

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