



CRL OP(MD). No.18112 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18112 of 2023

Katturaja

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No.229 of 2023.

... Respondent/Complainant

For Petitioner : Mr. M.PANDIAN
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.229/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who arrayed as accused, was arrested and remanded to judicial custody on 8.09.2023 for the alleged offence punishable under Sections 379 IPC r/w. Section 21(4) of Mines and Minerals (Development and Regulation), Act in Crime No.229 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused



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said to have illegally transported one unit of gravel sand by using Tractor bearing Regn.No.TN-49-AE-3791. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner herein and other accused have transported one unit of gravel sand illegally by using Tractor and same has been recovered. He would further submit that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the property was recovered and that the petitioner is in judicial custody for more than 32 days, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on 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, Rajapalayam and on further conditions that:

(i) the sureties shall affix the photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



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card or Bank Pass Book to ensure their identity;

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(ii) the petitioner shall appear before the respondent police on receipt of summons;

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

(iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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10/10/2023

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

TRP
TO
1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

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



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3 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PANDIAN, Advocate (SR-14919[I] dated 10/10/2023)

ORDER IN
CRL OP(MD) No.18112 of 2023
Date :10/10/2023

SA/SAR. /10.10.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.