



CRL OP(MD). No.18316 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Sathish @ Sathishkumar

... Petitioner / Accused No.1

Vs

State rep by its
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.331 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Surliraja P, 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.331 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Sections 379 of IPC and Section 21(4) of Mines and Minerals(Development and Regulation) ACt, 1957 in Crime No.331 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 illegally transported $\frac{1}{4}$ unit of river sand without proper license. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no previous case is pending against the petitioner and now the petitioner is in jail from 25.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner along with other accused illegally transported $\frac{1}{4}$ unit of river sand without proper license, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration the fact



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that no previous case is pending against the petitioner and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 No.III, Thanjavur 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 the trial Court on receipt of summons

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

(v) the petitioner shall not abscond during trial.

vi) 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].



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

sd/-
12/10/2023

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12/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate No.III,
Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

4.The Officer Incharge,
Sub Jail
Thanjavur.

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-15078[I] dated 12/10/2023)



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ORDER

IN

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Date :12/10/2023

ED/ /SAR- (10/10/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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