



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18442 of 2023

Pakiyasamy,

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.1258 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Surliraja P,
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. 1258 / 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 04.10.2023 for the alleged offences punishable under Sections 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.1258 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant on surveillance, the petitioner herein has illegally transported $\frac{1}{4}$ unit of river sand by using Bullock cart. Hence, the case.

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. He would further submit that the petitioner is in jail from 04.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein illegally transported $\frac{1}{4}$ unit of river sand by using Bullock cart and there is no previous case pending against the petitioner. He would further submit that the investigation of the case is pending and hence, objected



to grant bail to the petitioner.

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5. Considering the nature of allegations made against the petitioner and that he is not having any previous case and also considering the period of incarceration and also taking into consideration of 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur District and on further conditions that:

(*)Deleted

(*)(i) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

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



(*)(iii)the petitioner shall not abscond during trial.

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(*)(iv) 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].

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

sd/-
13/10/2023

(*)For Being Mentioned as per Order
of this Hon'ble Court dt.17/10/2023 in
Crl.OP(MD).18442/2023.

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
TO BE SUBSTITUTED WITH THE ORDER DT.13/10/2023 ALREADY
DESPATCHED

1 The Judicial Magistrate No.I, Thanjavur District.

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



3 The Officer Incharge, District Jail, Pudukkottai.

4 The Inspector of Police,
Town West Police Station,
Thanjavur District.

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-15149[I] dated 13/10/2023)

ORDER
IN
CRL OP(MD) No.18442 of 2023
Date :13/10/2023

SSA/13.10.2023/5P/7C

TRP

SA/SAR. /17.10.2023/5P/7C

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