



CRL OP(MD). No.18347 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18347 of 2023

Ajmal Sharif @ Ajmal Sherif,

... Petitioner/ Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
Crime No.299/2023..

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,
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.299/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 30.09.2023 for the alleged offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals(Development and Regulation) Act, 1957 in Crime No.299 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 one unit of river sand without proper license in a lorry. 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 30.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner along with other accused illegally transported one unit of river sand without proper license in a lorry, hence he objected to grant bail to the



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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 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, Peravurani 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;



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(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].

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.

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TO

WITNESSETH

1. THE JUDICIAL MAGISTRATE, PERAVURANI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
 3. THE OFFICER IN CHARGE, SUB JAIL, THANJAVUR.
 4. THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-15093[I] dated 12/10/2023)

ORDER
IN

CRL OP(MD) No.18347 of 2023
Date :12/10/2023

RK (12/10/2023) 5P / 7C

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