



CRL OP(MD)No.19273 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD)No.19273 of 2023

A.Manavalan

... Petitioner/ Accused rank No.3

Vs

The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.651 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.651 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/A3, who was arrested and remanded to judicial custody on 11.10.2023 for the alleged offence under Section 379 IPC r/w Section 21(1) of the Mines and Minerals Act in Crime No.651 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.10.2023, the petitioner along with other accused illegally excavated and transported three and half units of savudu sand from the river bed by using tipper lorry, without valid permission and licence. Hence, the case.

3.The learned counsel for the petitioner submitted that petitioner is driver and he is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the co-accused were granted pre-arrest bail and the petitioner is in judicial custody for the past 15 days. Accordingly, he prayed to allow this petition.

4.Per contra, the learned Additional Public Prosecutor submitted that the petitioner and other accused illegally excavated and transported savudu sand from



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the river bed. If bail is granted, the petitioner will commit similar offence and thereby, cause much loss to the Environment. He further submitted that investigation is not completed. At this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, learned Additional Public Prosecutor raised objection for granting bail.

5.Heard on both sides. This Court has perused the records.

6.Considering the fact that the petitioner has no previous case and considering the fact that he is first offender, with a view to give him one opportunity to reform himself and that he is in judicial custody for the past 15 days and also considering the nature of allegations made against the petitioner and the nature of offence allegedly committed by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

7.Accordingly, this Criminal Original Petition is allowed subject to the following conditions:-

i)the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like

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sum to the satisfaction of the learned District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur, Thanjavur District.

ii)the petitioner shall report before the respondent police daily at 10.00 a.m.
until further orders.

iii)the petitioner shall not tamper with the witnesses and evidences.

iv)on breach of any of the aforementioned conditions, the learned Magistrate is
entitled to pass appropriate orders against the petitioner in accordance with law as if
the aforementioned conditions are imposed by themselves as laid down by the
Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

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27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



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TO
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- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE OFFICER IN CHARGE,
DISTRICT PRISON,
THANJAVUR, THANJAVUR DISTRICT.
- 4.THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-15606[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19273 of 2023
Date :26/10/2023

RK (27/10/2023) 5P / 7C

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