



CRL OP(MD). No.19654 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Thangamari,

... Petitioner/ Accused No.1

Vs

State rep. by
The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.400 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Ganapathi Subramanian.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.400 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/ accused, who was arrested and remanded to judicial custody on 15.09.2023 for the alleged offence punishable under Sections 379 IPC r/w. 21(1) of Mines and Minerals (D & R) Act, in Crime No.400 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was in surveillance duty, near the Co-operative Society land, the petitioner herein and other have illegally transported one unit of sand by using Mahindra Tractor and Trailer bearing Regn.No.TN 47 L 8959. 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 15.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein and other said to have illegally transported one unit of sand by using Mahindra Tractor and Trailer bearing Regn.No.TN 47 L 8959



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and there is no previous case pending against the petitioner. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner 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 bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputur and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court once in a week i.e., on



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every Monday at 10.30 am until further orders.

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(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/-
02/11/2023
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02/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
TO

1. The Judicial Magistrate No.II, Srivilliputur.
2. Do through the Chief Judicial Magistrate,
Srivilliputur.
3. The Officer Incharge, Sub Jail, Srivilliputur.
4. The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-15864[I] dated
02/11/2023)

ORDER
IN
CRL OP(MD) No.19654 of 2023
Date :02/11/2023

SSA/02.11.2023/5P/7C

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