



CRL OP(MD). No.20056 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20056 of 2023

Neelakandan,

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.353 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Murugesan D.R.
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 Cr.No.353 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused herein, who was arrested and remanded to judicial



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custody on 21.10.2023 for the alleged offence under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.353 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.10.2023, when the police officials were on vehicle check up regarding sand theft they found the petitioner carrying $\frac{1}{2}$ unit of river sand in a Ashok Leyland Dost Van bearing Reg.No. TN 49 CW 6689 without any valid permission. Hence a complaint was lodged and a case was registered.

3. The learned counsel for the petitioners submitted that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only).

4. The learned Additional Public Prosecutor would submit that the petitioner has illegally transported $\frac{1}{2}$ unit of river sand in a Ashok Leyland Dost Van bearing Reg.No. TN 49 CW 6689 without any valid permission. He would further submit that no previous case is pending against the petitioner.



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5. Considering the facts and circumstances of this case, period of incarceration, considering the nature of the mineral involved and considering the fact that no previous case is pending against the petitioner and his willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only), this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that,

(i) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of "Madurai Bench of Madras High Court" in Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

7. On such deposit, the petitioner is ordered to be released on bail, on executing 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,



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Thanjavur District, and the petitioner shall file an undertaking affidavit before the trial Court that he will not indulge in any kind of offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
08/11/2023

/ TRUE COPY /

08/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate
Peravurani, Thanjavur District.
2. Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge, District Prison, Thanjavur.
4. The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MADURAI.
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MADURAI.

ORDER
IN
CRL OP(MD) No.20056 of 2023
Date :08/11/2023

SSA/08.11.2023/5P/8C

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