



CRL OP(MD). No.20183 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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A.Sathiyamoorthy

... Petitioner / Sole Accused

Vs

The State represented by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.895/2023.)

... Respondent / Complainant

For Petitioner : M/s.Mahendran.T, 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. 895/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 31.10.2023 for the offence under sections 379 of IPC and Section 21(4) of Mines



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and Minerals (Development and Regulation) Act in Crime No.895 of 2023 on the file

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of the respondent police seeks bail.

2. The case of the prosecution is that on 31.10.2023 the petitioner has illegally transported 50kgs of river sand in a two wheeler without any valid permission, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 31.10.2023 and he is a heart patient, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner has illegally transported 50kgs of river sand in a two wheeler, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner and the property has been recovered.

5. Taking into consideration the facts and circumstances of the case and also the fact that property has been recovered and no previous case is pending against the petitioner and also taking into consideration the period of incarceration and also taking into consideration the health condition of the petitioner this court is inclined to grant bail to the petitioner , subject to the following conditions:



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[a] 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 District Munsif cum Judicial Magistrate, Papanasam Thanjavur District and on further conditions that:

[b] the sureties shall affix their photographs 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.

[c] the petitioner shall report before the respondent police on every Monday at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-
09/11/2023

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09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The District Munsif cum Judicial Magistrate,
Papanasam,
Thanjavur District.

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

3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

4.The Officer Incharge,
Central Prison,
Papanasam.

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



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ORDER

IN

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Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 6C

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