



CRL OP(MD). No.20103 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.20103 of 2023

Karthick

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No.228 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Vidhya Sagar.S, 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.228 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A1 herein, who was arrested and remanded to judicial custody on 29.10.2023 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.228 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 29.10.2023, when the police officials were on vehicle check up regarding sand theft near Vennaru river they found the petitioner carrying $\frac{3}{4}$ unit of river sand in a Mahindra Bolero City Pickup four wheeler bearing Reg.No. TN 49 CD 9879 without any valid permission. Hence a complaint was lodged and a case was registered.

3. The learned counsel for the petitioner 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 $\frac{3}{4}$ unit of river sand in a Mahindra Bolero City Pickup four wheeler bearing Reg.No. TN 49 CD 9879 without any valid permission. He would further submit that no previous case is pending against the petitioner.

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,



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(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 No.II, Thanjavur 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



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, KALLAPERAMBUR POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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2 THE OFFICER INCHARGE, KALAIIGNAR CENTENARY LIBRARY, MADURAI.

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-16039[I] dated 08/11/2023)

ORDER IN

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Date :08/11/2023

RS//SAR-(08.11.2023) 4P 9C

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