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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.20105 of 2023

Rajagopal

... Petitioner/1st Accused

Vs

The State Rep.by
The Inspector of Police,
Thiruvidadimarudhur Police Station,
Thanjavur District.
(Crime No.694 of 2023).

... Respondent/Complainant

For Petitioner : Mr.A.N.Ramanathan,
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.694 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner / A1 herein, who was arrested and remanded to judicial custody on 26.10.2023 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.694 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.10.2023, the respondent police received secret information regarding sand theft near Thirupuvanam Veeracholan river and on going there they found the petitioner loading river sand in JCB vehicle 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 was loading river sand in JCB vehicle 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,

(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 Kalaighnar 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 *District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, 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

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

AAV

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVIDAIMARUDHUR,
THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUDHUR.

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

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

COPY TO:

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-16034[I] dated 08/11/2023)

ORDER
IN
CRL OP(MD) No.20105 of 2023
Date :08/11/2023

MK/08.11.2023 5P 9C

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