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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.20133 of 2023

1. Muralidharan,
2. Prabu,

... Petitioners/ Accused Nos.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 354/2023.

... Respondent/Complainant

For Petitioners : M/s.Venkateshwar.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 Crime No. 354 of 2023 on the file of the respondent police.



ORDER : The Court made the following order :-

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The petitioners /A1 and A2 herein, who were arrested and remanded to judicial 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.354 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 near Nattanikottai North fourroad Nalabagam restarunt regarding sand theft they found the petitioners illegally transporting ½ unit of river sand in a bolero can bearing Reg. No.TN 72 AB 3566 without any valid permission. Hence a complaint was lodged and a case was registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. However, to show their *bona fide*, the petitioners have come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only).

4. The learned Additional Public Prosecutor would submit that the petitioners illegally transported ½ unit of river sand in a bolero can bearing Reg. No.TN 72 AB

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3566 without any valid permission and no previous case is pending against the petitioners.

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

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

(i) the petitioners 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 Kalaignar Centenary Library, Madurai,* without prejudice to their rights and contentions before the trial Court.

7. On such deposit, the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned *Judicial*

Magistrate, Peravurani, Thanjavur District, and the petitioners shall file an

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undertaking affidavit before the trial Court that they will not indulge in any kind of offence in future and on further condition that the petitioners 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 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE
PERAVURANI 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.



2 THE OFFICER INCHARGE,
CHIEF LIBRARIAN AND INFORMATION OFFICER,
KALAINAR CENTENARY LIBRARY,
RESERVE LINE,
MADURAI.

+1 CC to M/s.R.VENKATESWAR, Advocate (SR-16040[I] dated 08/11/2023)

ORDER
IN
CRL OP(MD) No.20133 of 2023
Date :08/11/2023

MK/08.11.2023 5P 9C
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