



CRL OP(MD). No.20177 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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Prasath

... Petitioner / Accused No.2

Vs

The State rep by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.367 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, 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.367 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner /A2 who was arrested and remanded to judicial custody on 30.10.2023 for the offence under sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.367 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 30.10.2023 the petitioner along with other accused have illegally transported three bags of river sand in a two wheeler, 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 30.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused have illegally transported three bags 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 this court is



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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 Judicial Magistrate, Thiruvaiyaru, 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 daily at 10.30 A.M., for a period of 30 days

[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/-
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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 Judicial Magistrate,
Thiruvaiyaru, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
- 4.The Officer Incharge,
Sub Jail,
Papanasam, Thanjavur.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-16120[I] dated 09/11/2023)



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ORDER

IN

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Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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