



CRL OP(MD). No.20275 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20275 of 2023

Eswaran

... Petitioner/ Accused No.2

Vs

State Rep.by

The Inspector of Police,

Ammamet Police Station,

Thanjavur District.

Crime No. 880 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.R.Maheswaran, Advocate.

For Respondent : Mr.R.M.S.Sethurman, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 880 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 25.10.2023 for the offences under sections 379 of IPC r/w.21(1) of Mines and Minerals Act, 1957 in Crime No.880 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have illegally transported ½ unit of river sand in Tata Ace vehicle bearing Reg.No. TN 49 AX 7592 without any valid permission, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is



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innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 25.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused have illegally transported ½ unit of river sand in Tata Ace vehicle bearing Reg.No. TN 49 AX 7592 without any valid permission, 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 inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Principal Sessions Judge, Papanasam, Thanjavur and on further conditions that :-

[a] 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.

[b] the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees



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Five Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and produce the acknowledgment at the time of executing bond

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/11/2023

/ TRUE COPY /

10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE PRINCIPAL SESSIONS JUDGE, PAPANASAM, THANJAVUR.

2 THE OFFICER INCHARGE, SUB JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-16178[I] dated 10/11/2023)

ORDER

IN

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Date :10/11/2023

RS//SAR-(10.11.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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