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CRL OP(MD). No.20485 of 2023

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.20485 of 2023

Dinesh,

... Petitioner/ Accused

Vs

The Inspector of Police,
Kabishthalam Police Station,
Thanjavur
Cr. No. 607 of 2023.

... Respondent/ Complainant

For Petitioner : K.SUYAMBULINGABHARATHI, Advocate.

For Respondent : Mr.RMS.SETHURAMAN, Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 607 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 01.11.2023 for the offences under sections 379 of IPC and r/w.21(4) of Mines and Minerals Act, 1957 in Crime No.607 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported ¼ unit of river sand without any valid permission, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would further submit that



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the petitioner is in custody from 01.11.2023, hence he seeks bail.

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4. The learned Additional Public Prosecutor would submit that the petitioner has illegally transported $\frac{1}{4}$ unit of river sand in a Bullock Cart. 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 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 Judicial Magistrate Court, 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India,



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Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, and shall produce the receipt before the concerned Magistrate at the time of executing the 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

1 THE JUDICIAL MAGISTRATE COURT,
PAPANASAM, THANJAVUR.

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
KABISHTHALAM POLICE STATION, THANJAVUR.

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

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-16190[I] dated
10/11/2023)

ORDER IN
CRL OP(MD) No.20485 of 2023
Date :10/11/2023

SA/SAR. /10.11.2023/4P/8C

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