



CRL OP(MD). No.20628 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 30/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20628 of 2023

Elamaran,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
Ammappettai Police Station,
Thanjavur District.
(Crime No.902/2023).**

... Respondent/Complainant

**For Petitioner :Mr. A.Arun Prasad, 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.902/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

**The petitioner/ Accused, who was arrested and remanded to judicial custody on
03.11.2023 for the alleged offence punishable under Section 379 IPC r/w. Section 21
(4) of Mines and Minerals (Development and Regulation), Act, 1957 in Crime No.902**



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of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein has illegally transported $\frac{1}{4}$ unit of river sand by using TATA ACE vehicle bearing Regn.No.TN-49-Q-2876 and the same has been recovered. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 03.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein is having one previous case in similar nature and the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to

the satisfaction of the learned Judicial Magistrate No.III, Thanjavur and on further

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conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/11/2023

/ TRUE COPY /

30/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20628 of 2023
Date :30/11/2023

PKP/30.11.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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