



CRL OP(MD). No.20625 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20625 of 2023

1. Aravinth,

2. Raja,

... Petitioners/ Accused Nos. 2 & 3

Vs

**State Rep.by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No.233/2023)..**

... Respondent/ Complainant

For Petitioners : K.Mahendran,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.233/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody

on 03.11.2023 for the alleged offence punishable under Sections 379 IPC r/w. 21(1) of
<https://www.mhc.tn.gov.in/judis>



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Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.233 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners herein have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners herein were arrested and they are in jail from 03.11.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that petitioners herein said to have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart and there is no previous case pending against the petitioners. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioners and that there is no previous case pending against the petitioners 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 petitioners, this Court is

inclined to grant bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail on condition to execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Peravurani, Thanjavur District and on further conditions that:

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

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

(iii) the petitioners 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 petitioners 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/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
TO COPY

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

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-16345[I] dated 16/11/2023)

ORDER
IN

CRL OP(MD) No.20625 of 2023

Date :16/11/2023

PKP/16.11.2023/ 4P/7C

Madurai Bench of Madras High Court is issuing certified
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