



CRL OP(MD)No.22213 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.22213 of 2023

1.Gopi

2.Karthigaivelan

... Petitioners/ Accused Nos.4 & 5

Vs

The Sub-Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.339 of 2023)

... Respondent/Complainant

For Petitioners	:	Mr.S.Nihar Ali, 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.339 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 23.11.2023 for the alleged offence punishable under Section 379 IPC r/w Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.339 of 2023, on the file of the respondent police, seek bail.



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2.The case of the prosecution is that the petitioners and other accused were found in illegal possession of one unit of river sand. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 23.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending as against the petitioners.

5.Heard both sides and perused the materials available on record.

6.Considering the nature of allegations made against the petitioners and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner 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, this Court is inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram and on further conditions that:

(i) the petitioners shall appear before the trial Court on receipt of summons



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(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 petitioners 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].

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

sd/-
08/12/2023

/ TRUE COPY /

08/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE, BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.



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

+1 CC to M/s.S.NIHAR ALI, Advocate (SR-17470[I] dated 08/12/2023)

ORDER
IN
CRL OP(MD) No.22213 of 2023
Date :08/12/2023

RS//SAR-(08.12.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
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