



CRL OP(MD)No.22214 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.22214 of 2023

M.Nirmal Kumar

... Petitioner/Sole Accused

Vs

The Sub-Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
No.425 of 2023

... Respondent/complainant

For Petitioner : Mr.A.Sivasubramanian,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.425 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 01.12.2023



CRL OP(MD)No.22214 of 2023

for the alleged offence punishable under Section 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.425 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of $\frac{1}{4}$ unit of river sand. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 01.12.2023, 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 petitioner.

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

6.Considering the nature of allegations made against the petitioner 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 petitioner.

7.Accordingly, the petitioner is 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



CRL OP(MD)No.22214 of 2023

the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (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].

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,
THIRUVAIYARU.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.22214 of 2023

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUVAIYARU 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 MR. SIVASUBRAMANIAN, Advocate SR.No.17549(I) DT: 11/12/2023

ORDER
IN

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Date :08/12/2023

PKP/08.12.2023/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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