



CRL OP(MD)No.22204 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.22204 of 2023

1.Jayapal
2.Vinoth Kumar
3.Ranjith Kumar

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Cr.No.416 of 2023

... Respondent/Complainant

For Petitioners : Mr.P.SURLIRAJA, 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.416 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 01.12.2023 for the alleged offence punishable under Section 379 of IPC r/w 21(1) of TNMMDR Act, 1957, in Crime No.416 of 2023, on the file of the respondent police, seek bail.



CRL OP(MD)No.22204 of 2023

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2.The case of the prosecution is that the accused persons were involved in illegal transportation of half of 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 01.12.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons were involved in illegal transportation of half of unit of river sand. Hence, he strongly objected to grant bail to the petitioners.

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

6.Considering the facts and circumstances and 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 as against the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, and on further conditions that:



CRL OP(MD)No.22204 of 2023

WEB COPY

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioners shall appear before the trial Court on summons.

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

(v) the petitioners shall not abscond during trial.

vi) 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].

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

sd/-
21/12/2023

/ TRUE COPY /

21/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO
1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

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



CRL OP(MD)No.22204 of 2023

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

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-18159[I] dated 21/12/2023)

ORDER IN
CRL OP(MD) No.22204 of 2023
Date :21/12/2023

SA/SAR. /21.12.2023/4P/7C

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