



CRL OP(MD). No.22407 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22407 of 2023

Siva,

... Petitioner/Sole Accused

Vs

The State rep. by,  
The Inspector of Police,  
Naducavery Police Station,  
Thanjavur District,  
Crime No.427/2023.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,  
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.427/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody



**CRL OP(MD). No.22407 of 2023**

on 02.12.2023 for the alleged offences punishable under Sections 379 of IPC r/w.21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.427 of 2023, on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that the petitioner has illegally transported  $\frac{1}{4}$  unit of river sand in a bullock cart. 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 02.12.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner has illegally transported  $\frac{1}{4}$  unit of river sand in a bullock cart, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no previous case is



CRL OP(MD). No.22407 of 2023

pending against the petitioner and also taking into consideration 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, subject to the following conditions:

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

(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 petitioner shall appear before the trial Court on receipt of summons;

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

(v) the petitioner 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 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



CRL OP(MD). No.22407 of 2023

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

WEB COPY

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

sd/-  
18/12/2023

/ TRUE COPY /

18/12/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AAV

To

1. The Judicial Magistrate, Thiruvaiyaru.
2. Do through the Chief Judicial Magistrate, Thanjavur District at Kumbakonam.
3. The Officer Incharge, Sub Jail, Thanjavur.
4. The Inspector of Police, Naducauvery Police Station, Thanjavur District.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.22407 of 2023

ORDER  
IN  
CRL OP(MD) No.22407 of 2023  
Date :18/12/2023

SSA/18.12.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023