



CRL OP(MD). No.22851 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22851 of 2023

1. Kannan,

2. Vinoth,

... Petitioners/ Accused Nos. 1 & 2

Vs

The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Crime No.959 of 2023..

... Respondent/ Complainant

For Petitioners : Mr.R.Prasanna,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.959 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2 who were arrested and remanded to judicial custody

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on 03.12.2023 for the alleged offence punishable under Sections 379 of IPC r/w.21(1) of Mines and Minerals(Development and Regulation) Act, in Crime No.959 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported $\frac{1}{2}$ unit of river sand in an aluminium basket. 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 petitioner is in custody from 03.12.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners along with other accused have illegally transported $\frac{1}{2}$ unit of river sand in an aluminium basket, hence, he strongly objected to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners.



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5. 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 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.

6. 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.II, Kumbakonam and on further conditions that:

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

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

(iv) 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
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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/-
19/12/2023

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19/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL,KUMBAKONAM.



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

+1 CC to M/s.R.PRASANNA, Advocate (SR-17963[I] dated 19/12/2023)

ORDER
IN
CRL OP(MD) No.22851 of 2023
Date :19/12/2023

PKP/19.12.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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