





CRL OP(MD). No.23002 of 2023

WEB COPY

2.The case of the prosecution is that the petitioner has illegally transported 13 bags of river sand in a TATA Ace vehicle bearing Reg.No. TN 50 Y 5929. 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 08.12.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has illegally transported 13 bags of river sand in a TATA Ace vehicle bearing Reg.No. TN 50 Y 5929, hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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



CRL OP(MD). No.23002 of 2023

WEB COPY

6. 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 the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District 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/-
20/12/2023

/ TRUE COPY /

20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



CRL OP(MD). No.23002 of 2023

TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUB INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PAPANASAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.23002 of 2023

Date :20/12/2023

SS/SAR- /20/12/2023/4P/6C

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