



Crl.O.P.(MD) No.23525 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23525 of 2023

Ramu

... Petitioner / Sole accused

Vs

State Rep. by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No.245 of 2023)

... Respondent / Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Criminal side)

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioner/sole accused in Crime No.245 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2. The petitioner/sole accused was arrested and remanded to judicial custody on 14.12.2023 for the alleged offences punishable under Section 379 of the Indian Penal Code, 1860 (Act No.45 of 1860) r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (Act No.67 of 1957) in Crime No.245 of 2023 on the file of the respondent police.

3. The case of the prosecution is that on 14.12.2023 when the police were on patrol duty they found that the petitioner has illegally excavating and transporting river sand from Akniriver bed in bullock cart containing $\frac{1}{4}$ unit without any valid permission. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 14.12.2023. Accordingly, he prayed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner has illegally excavated and transported $\frac{1}{4}$ unit of river sand from Akniriver bed in bullock cart without any valid permission. He further submitted that the petitioner has one previous case, that investigation is not yet completed and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant and the



witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

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6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence, quantity of sand alleged to have been excavated and transported by the petitioner and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions.

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Peravurani;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Peravurani shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the concerned Jurisdictional Magistrate Court on all working days at 10.00 a.m., until further orders;

(iv) The petitioner shall not, directly or indirectly, cause any threat to



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the defacto complainant and witnesses;

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(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

/ TRUE COPY /

29/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate,
Peravurani.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.



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4.The Officer Incharge,
Sub Jail,
Thanjavur.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-18386[I] dated 28/12/2023)

ORDER
IN
CRL OP(MD) No.23525 of 2023
Date :28/12/2023

ED/ /SAR- (29/12/2023) 5P / 7C

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