



Crl.O.P.(MD) No.23625 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.23625 of 2023

Ravi

... Petitioner / Sole Accused

Vs

State Rep. by
The Inspector of Police,
Melatur Police Station,
Thanjavur District.
(Crime No.241 of 2023)

... Respondent / Complainant

For Petitioner : Mr.V.Chandrapandi, 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 sole accused in Crime No.241 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 17.12.2023 for the alleged offences punishable under Section 379 of the Indian Penal Code, 1860 (Act No.45 of 1860) r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 (Act No.67 of 1957) in Crime No.241 of 2023 on the file of the respondent police.

3. The case of the prosecution is that on 17.12.2023, when police were indulged in patrolling, based on secret tip, the police intercepted TVS XL Super two wheeler bearing Registration No.TN-68-E-6579 and found that the petitioner is transporting two gunny bags of excavated river sand in his vehicle illegally. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 17.12.2023. He, therefore, prayed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner illegally excavated and transported two gunny bags of river sand in his TVS XL Super two wheeler bearing Registration No.TN-68-E-6579. He further submitted that the petitioner has no 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



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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.The petitioner is a first offender and he has no previous case. He has permanent residence and deep roots in the society. Hence, there is no possibility for absconding. Considering the above reasons and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to certain 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 No.III, Thanjavur;

(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 shall obtain a copy of any one of identity proofs to ensure their identity;

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



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(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses;

(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 ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MELATTUR 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.

ORDER
IN
CRL OP(MD) No.23625 of 2023
Date :28/12/2023

SS/SAR- /29/12/2023/5P/6C

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