



Crl.O.P.(MD) No.23574 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.23574 of 2023

Rajangam

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
(Crime No.233 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Rajesh, Advocate

For Respondent : Mr.M.Veeranthiran, Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner/accused rank not known in Crime No.233 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 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner /accused rank not known, apprehends arrest at the hands of



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the respondent-police for the alleged offences punishable under Sections 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.233 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that on 27.11.2023, at about 03.10 p.m, when the defacto complainant/ Assistant Director of Mines and Minerals, Trichy Zone, was on surveillance at Thokaimalai-Trichy Road, he found a Tipper Lorry bearing Reg.No.TN-45-BK-9166 loaded with 3 units of gravel mines; that on enquiry, it was found that the driver (A1) is not having any Trip Sheet to transport the sand; that thereafter, the driver fled away from the place of occurrence; that later based on the confession given by the co-accused, the petitioner is arrayed as accused. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that he is the owner of the Lorry bearing Reg.No.TN-45-BK-9166; that without his knowledge, his lorry was used in the above said manner; that in this case, the petitioner is not yet arrayed as an accused; and that, only based on the confession given by A1, the petitioner was falsely implicated in this case. Further he submitted that A1 was granted pre-arrest bail by this Court in Crl.OP(MD)No.21918 of 2023 on



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06.12.2023. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

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5. The learned Government Advocate (Crl.Side) appearing for the respondent-police submitted that totally 2 accused are involved in this case; that even though, the petitioner is not arrayed as accused so far in this case, A1, who is the driver of the lorry in his confession statement has stated that the petitioner herein is the owner of the vehicle; and that, hence, the petitioner knew about the above said occurrence. However, he fairly conceded that the co-accused/A1 has been granted pre-arrest bail by this Court.

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

7. In this case, totally 2 accused are involved. The petitioner herein is the owner of the Lorry bearing Reg.No.TN-45-BK-9166. This Court has granted pre-arrest bail to A1, who is the driver of the vehicle, namely, Muruthai @ Sathiyamoorthy. The case of the prosecution is that the petitioner and another accused (A1) illegally excavated and transported 3 units of gravel mines without having any valid license or permission.

8. Considering the fact that the co-accused (A1) namely, Muruthai @ Sathiyamoorthy was granted pre-arrest bail order by this Court, this court grants an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on bail the in event of his arrest or in the event of his surrender before the learned Judicial Magistrate Court No.III, Trichy within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the satisfaction of the learned Judicial Magistrate Court No.III, Trichy;

(ii) The petitioner shall appear and sign before respondent police, daily at 10.00 a.m, until further orders;

(iii) 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;

(iv) The petitioner shall make himself available for interrogation by police officer and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Court; and



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(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court 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].

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

sd/-

28/12/2023

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, RAMJEE NAGAR POLICE STATION,
TRICHY DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.23574 of 2023

Date :28/12/2023

RS/VR/SAR-(04.01.2024) 6P 5C

Madurai Bench of Madras High Court is issuing
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