



Crl.O.P.No.5626 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5626 of 2024

N.Prabakaran

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Alivalam Police Station,
Thiruvaur District.

(Crime No.40 of 2024)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.40 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.R.Nareshkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER



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The petitioner/A1 in Crime No.40 of 2024, registered by the respondent police for the offences under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, seeks bail. The petitioner had been remanded to judicial custody on 12.02.2024.

2.The case of the prosecution is that the petitioner was found in transporting sand without valid license. The 1st accused had been arrested. The petitioner /A-1 is the driver of the vehicle.

3.In view of these particular facts, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of Judicial Magistrate Court, Thiruthuraipoondi, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



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[c] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Revenue Officer, Thiruvarur District.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

11.03.2024

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C.V.KARTHIKEYAN. J.

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To



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1. The Judicial Magistrate Court, Thiruthuraipoondi.

2. The Sub Jail, Thiruthuraipoondi, Tiruvarur District.

3. The Inspector of Police,
Alivalam Police Station,
Thiruvaur District.

4. The Public Prosecutor,
High Court of Madras.

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