



Crl.O.P.No.11804 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11804 of 2024

Govindaraj
S/o. Pitchaiya

...Petitioner/Sole-Accused

Vs.

The State represented by
The Inspector of Police,
Harithuvaramangalam Police Station,
Thiruvarur District
(Crime No.46 of 2024)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 438 of Cr.P.C., 1973 (Act No.2 of 1974), praying to grant an order of pre-arrest bail to the petitioner/sole accused in Crime No.46 of 2024 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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submitted that the petitioner has permanent residence and deep roots in the Society and that he is ready to obey the condition if any imposed by this Court. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner excavated and transported 1/4 unit of river sand in bullock cart; and that the petitioners have no previous case similar to that of this case. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. Prosecution's case is that the petitioner illegally excavated and transported 1/4 unit of river sand in bullock cart without any valid license or permit.

8. Considering the facts and circumstances of the case, the nature of the offence, the quantity of river sand allegedly excavated and transported by



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the petitioner, the fact that the petitioner has deep roots in the society due to which there is less probability of absconding and the fact that there is no previous case against the petitioner and also with a view to give an opportunity to the petitioner to reform himself, this Court grants an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District;

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

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed



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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 as 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 Jurisdictional Judicial Magistrate Court/Trial Court; and

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



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

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Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral citation : Yes/No
dna/rsi

Note:-

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To

- 1.The District Munsiff cum Judicial Magistrate,
Needamangalam,
Thiruvarur District.
- 2.The Inspector of Police,
The Inspector of Police,
Harithuvaramangalam Police Station,
Thiruvarur District
- 3.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL.J.,
dna/rsi

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