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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.886 of 2024

1. Karuppusamy
2.Nehru
3.Prabhu

... Petitioners/ Accused Nos.2 to 4

Vs

The State rep by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.327 of 2023.

... Respondent/Complainant

For Petitioners : M/s.B.Santhanam Rajesh Kumar
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.327 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioners / Accused No.2 to 4, who were arrested and remanded to judicial custody on 26.12.2023 for the offence punishable under Sections 379 of IPC r/w 21(5) of Mines & Minerals (Development & Regulation Act), 1957, in Crime No.327 of 2023 on the file of the respondent Police, seek bail.

2.It is the case of the prosecution that 4 units of gravel sand has been illegally transported by the petitioners by using a Tipper Lorry bearing Reg.No.TN-57-AD-3602 and a JCB bearing Reg.No.TN-59-X-1454. Hence, the case.

3.The learned counsel appearing for the petitioners would submit petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.25,000/- to the Environmental Committee and hence, he prays for grant of anticipatory bail to the petitioner. Hence, he prays for gant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have illegally transported 4 units of gravel sand by using Tipper Lorry and JCB without having any valid license. Hence, he vehemently, opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the

fact that the petitioners are ready and willing to deposit a sum of Rs.25,000/- to the

<https://www.mhc.tn.gov.in/judis>

Environmental Committee, this Court is inclined to grant bail to the petitioners.



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8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Melur, Madurai District, and on further condition 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 petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to their defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(e) the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/01/2024

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19/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO



2. Do through the Chief Judicial Magistrate,
Madurai District.

3. The Officer Incharge,
Sub Jail, Melur.

4. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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

Copy to

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer
Accounts Section
Madurai Bench of Madras High Court,
Madurai.

3. The Section Officer
Criminal Section
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.886 of 2024

Date :19/01/2024

SSA/19.01.2024 5P 9C

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