



CRL OP(MD). No.848 of 2024

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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

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Rajaguru

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.189 of 2023)

... Respondent / Complainant

For Petitioner : Mr.J.Karmega Kannan, Advocate.

For Respondent : Mr.B.Nampiselvan
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.189 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.12.2023 for the offences punishable under Sections 379 of IPC, Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and



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Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.189 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have illegally quarried sand at the Ayyanar Kovil Odai of Meiyaunthampatti Village and transported the same without any prior permission from the concerned department. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody since 04.12.2023. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready and willing to restore the kanmoi to the satisfaction of the revenue officials and hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant bail by stating that the petitioner along with other accused have illegally transported the sand without any prior permission from the concerned department.

5.Heard. Perused the materials available on record including the First Information Report.

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



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period of incarceration suffered by the petitioner and the petitioner is ready and willing to restore the kanmoi to the satisfaction of the revenue officials, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 the Special District Court to Deal with the Cases of Offences in Contravention of the Provisions of Mines & Minerals (D&R) Act, 1957, Madurai, 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) after coming out on bail, as per the undertaking given by the petitioner, the Kanmoi shall be restored to the satisfaction of the revenue officials and a proof shall be produced before the concerned Court, within a period of six weeks, failing which, the bail already granted shall stand vacated automatically;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with evidence or witness either



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during investigation or trial;

(e)the petitioner 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 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]; 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

1.The Judge,
Special District Court to Deal with the Cases of Offences in Contravention of the Provisions of Mines & Mineral (D&R) Act, Madurai.



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2.The Inspector of Police,
Saptur Police Station,
Madurai District.

3.The Superintendent,
Central Prison, Madurai.

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

+1 CC to M/s.J.KARMEGA KANNAN, Advocate (SR-825[I] dated 19/01/2024)

ORDER
IN

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Date :19/01/2024

ED/ /SAR- (19/01/2024) 5P / 6C

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