



CRL OP(MD). No.1408 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Elangovan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kabishthalam Police Station,
Thanjavur District.
Crime No.51/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi,
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.51/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 12.01.2024 for the alleged offence punishable under Section 379 of I.P.C



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r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957,
in Crime No.51 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 12.01.2024 at about 10.00 a.m, when the defacto complainant and his Police team were doing their routine patrol duty, the petitioner was found in illegal transportation of $\frac{1}{4}$ unit of river sand through bullock cart. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 12.01.2024. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to the High Court Environmental Committee and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioner had transported $\frac{1}{4}$ unit of river sand illegally. Further he would submit that one previous case is pending against the petitioner, which is not in similar nature.

5. Considering the facts and circumstances of the case and also considering the amount the sand involved, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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6. 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 **learned Judicial Magistrate, Papanasam, Thanjavur District**, 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) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(c) **the petitioner is directed to appear before the respondent police as and when required for interrogation.**

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

(e) the petitioner shall not abscond either during investigation or trial;



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(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/-
31/01/2024

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31/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KABISHTHALAM POLICE STATION,
THANAJVUR DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

COPY TO:
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-1214[I] dated
31/01/2024)

ORDER
IN
CRL OP(MD) No.1408 of 2024
Date :31/01/2024

SS/SAR- /31/01/2024/5P/8C

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