



CRL OP(MD). No.2192 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Appas

2. Vignesh

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District
(Crime No.141 of 2024).

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, 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.141 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2, who were arrested and remanded to
judicial custody on 03.02.2024 for the alleged offence punishable under Section 379

IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in



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Crime No.141 of 2024 on the file of the respondent police, seek bail.

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2. The case of the prosecution is that the petitioners have illegally transported one unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 03.02.2024. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Government Girls Higher Secondary School, Palace Premises, Thanjavur, for the welfare of the students and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the first petitioner is having three previous cases and one previous case is pending against the second petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. 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



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two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate

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No.1, Thanjavur on further conditions that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the Government Girls Higher Secondary School, Palace Premises, Thanjavur, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(b) 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;

(c) the petitioners are directed to appear before the respondent Police as and when required for interrogation;

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

(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 petitioner in accordance with



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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/-
13/02/2024

/ TRUE COPY /

13/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PALACE PREMISES, THANJAVUR.

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



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+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-1761[I] dated 13/02/2024)

ORDER

IN

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Date :13/02/2024

RS//SAR-(12.02.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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