



CRL OP(MD). No.2314 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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S.Vignesh

... Petitioner/1st Accused

Vs

**The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.965 of 2023.**

... Respondent/Complainant

**For Petitioner : Mr.K.S.Duraipandian,
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.965 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/1st Accused, who was arrested and remanded to judicial custody on 26.01.2024 for the alleged offence punishable under Section 379 of I.P.C r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.965 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 04.12.2023 at about 11.30 a.m, when the defacto complainant and his Police team were doing their routine patrol duty, the petitioner and other accused persons were found in illegal transportation of ½ unit of river sand using Mahindra Bolero Pick Up van. 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 26.01.2024. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the Women



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Advocate Association Creche, Madurai Bench of Madras High Court campus, Madurai, for making facilities to the children, 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 ½ unit of river sand illegally. Further he would submit that one previous case is pending against the petitioner.

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

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 District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District**, and on further conditions that:



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(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.10,000/- (Rupees Ten Thousand only) to the credit of the Women Advocate Association Creche, Madurai Bench of Madras High Court campus, Madurai-2023 [Account No.6477041768; IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)]**, for making facilities to the children, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(ii) the President of the above said creche is directed to carryout the welfare works as mentioned above in their creche using the above said deposit amount and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of copy of this order.



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(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 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.

14.02.2024

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TO

- 1.The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
- 3.The Superintendent,
Sub Jail, Papanasam.
- 4.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
- 5.The President,
Women Advocate Association Creche,
Madurai Bench of Madras High Court campus,
Madurai-2023
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J

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ORDER
IN
CRL OP(MD) No.2314 of 2024

Date : 14/02/2024