



CRL OP(MD). No.2382 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

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Regan @ Johnregan,

... Petitioner/ A1

Vs

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No. 93 of 2024.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 93 of 2024 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
05.02.2024 for the alleged offence punishable under Section 379 of I.P.C r/w Section



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21(4) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime
No.93 of 2024, on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that on 05.02.2024, when the defacto complainant was doing his routine patrol duty, the petitioner and other accused persons were found in illegal transportation of $\frac{1}{4}$ unit of river sand. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent 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 05.02.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District, 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 and others had transported $\frac{1}{4}$ unit of river sand illegally and the petitioner is having three previous cases, out of which, two cases are similar in nature.



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5.Considering the facts and circumstances of the case and also considering the amount of sand involved in this case, 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 Judicial Magistrate Court No.III, Thanjavur, 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)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in the name of the President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, **Madurai (2246)**], for restoration of Kanmai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are directed to carryout the restoration work as mentioned above in the Kanmai around Othakadai and Narasingam areas in Madurai 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 a copy of this order;

(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



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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/-
15/02/2024

/ TRUE COPY /

15/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR, THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO:

- 1 THE PRESIDENT,
NARASINGAM PANCHAYAT
OTHAKADAI,
MADURAI
- 2 THE PRESIDENT OF NARASINGAM PANCHAYAT,
B.D.O, MADURAI EAST PANCHAYAT UNION,
MADURAI.
- 3 THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT,
MADURAI EAST CIRCLE, MADURAI,

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1902[I] dated 15/02/2024)

ORDER

IN

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Date :15/02/2024

SS/SAR- /15/02/2024/6P/10C

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