



CRL OP(MD). No.2448 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2448 of 2024

Saravanan

... Petitioner/ Accused No.2

Vs

The State Represented by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(In Crime No.28 of 2024)

... Respondent/ Complainant

For petitioner : Mr.M.Pitchai Muthu
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.28 of 2024 on the file of the respondent police.



CRL OP(MD). No.2448 of 2024

WLB COPY
ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 09.02.2024 for the offences under Section 379 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.28 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of $\frac{1}{4}$ unit of river sand by using 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 been falsely implicated in this case. The petitioner did not commit any allegation as alleged by the prosecution. However, the petitioner is ready to deposit a sum of Rs.10,000/- to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the girl students studying in the School, without prejudice to his defence before the trial Court.

4.The learned Additional Public Prosecutor submitted that the petitioner was found in illegal possession of $\frac{1}{4}$ unit of river sand by using bullock cart and no



CRL OP(MD). No.2448 of 2024

WEB COPY

previous case is pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, Pattukottai, Thanjavur District, and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, without prejudice to his 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;



CRL OP(MD). No.2448 of 2024

WEB COPY

(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 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;



CRL OP(MD). No.2448 of 2024

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
16/02/2024

/ TRUE COPY /

16/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1. The Judicial Magistrate, Pattukottai, Thanjavur District.
2. Do through the Cheif Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge,
Sub Jail, Thanjavur.
- 4.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD). No.2448 of 2024

WILL COPY

The Headmaster,
The Government Model Girls Higher Secondary School,
Ulaganeri, Y.Othakadai,
Madurai.

ORDER
IN
CRL OP(MD) No.2448 of 2024
Date :16/02/2024

SSA//SAR-(16.02.2024) 6P 7C

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