



CRL OP(MD). No.2472 of 2024

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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.2472 of 2024

Naveen Kannan @ Naveen

... Petitioner/ Accused No.1

Vs

The State Represented by
The Sub-Inspector of Police,
Mayanoor Police Station,
Karur District.
(In Crime No.372 of 2023)

... Respondent/ Complainant

For petitioner : Ms.R.VennilaAdvocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.372 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial



CRL OP(MD). No.2472 of 2024

custody on 03.02.2024 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.372 of 2023, 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. 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 Sri Lalitha Mahila Samajam, Thirueengoimalai, Thottiyam Taluk, Trichy, 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 and no 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

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



CRL OP(MD). No.2472 of 2024

for a like sum to the satisfaction of the learned Judicial Magistrate, Krishnarayapuram, 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 Sri Lalitha Mahila Samajam, Thirueengoimalai, Thottiyam Taluk, Trichy, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(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



CRL OP(MD). No.2472 of 2024

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/-
16/02/2024

/ TRUE COPY /

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

SSB
TO

- 1 THE JUDICIAL MAGISTRATE,
KRISHNARAYAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.2472 of 2024

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THE OFFICER INCHARGE
SRI LALITHA MAHILA SAMAJAM,
THIRUEENGOIMALAI,
THOTTIYAM TALUK,
TRICHY DISTRICT.

+1 CC to M/s.R.VENNILA, Advocate (SR-2005[I] dated 16/02/2024)

ORDER
IN
CRL OP(MD) No.2472 of 2024
Date :16/02/2024

PKP/16.02.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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