



CRL OP(MD). No.2473 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

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Rickson

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Naducavery Police Station,
Thanjavur District.
Crime No.78 of 2024.

... Respondent/ Complainant

For petitioner : Mr.T.Eashwar
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.78 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on

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



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05.02.2024 for the offences under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation), in Crime No.78 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 2 ½ units of river sand using TATA 709 vehicle bearing Registration No.TN 45 K 4536, the vehicle along with sand was seized by the respondent Police. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution and he has been falsely implicated in this case. 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.50,000/- to the **Government Higher Secondary School, Unjiyaviduthi Village, Orathanadu Taluk, Thanjavur District**, for making toilet facility or renovation of toilet or providing facilities to the girls students. Hence, he prays for grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was involved in illegal transportation of 2 ½ units of river sand and the vehicle involved in this case was seized by the respondent Police. He would fairly conceded that 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 amount of sand involved in this case, 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, Thiruvaiyaru**, and on further conditions that:

(a) (i) after coming out on bail, as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** by way of Demand Draft in favour of the Headmaster/Headmistress, **Government Higher Secondary School, Unjiyaviduthi Village, Orathanadu Taluk, Thanjavur District**, for making toilet or renovation of toilet or providing facilities to the girls students **within a period of six weeks from the date of receipt of a copy of this order.**



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ii) the Headmaster/Headmistress of the above said school is directed to carry out the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned learned Judicial Magistrate and the Registrar, Madurai Bench of Madras High Court, Madurai.

(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



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in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
16/02/2024

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/02/2024

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

Indu

To

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



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The Headmaster/Headmistress,
Government Higher Secondary School,
Unjiyaviduthi Village,
Orathanadu Taluk, Thanjavur District.

+1CC to MR.T.EASHWAR, Advocate SR- 2065 dated 19/02/2024

ORDER
IN

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Date :16/02/2024

SSA//SAR-(16.02.2024) 6P 8C

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