



CRL OP(MD). No.3070 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3070 of 2024

1. Sivakumar
2. Venkatesh

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.91 of 2024.

... Respondent/Complainant

For Petitioners : Mr.M.Prabu, 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.91 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 18.02.2024 for the alleged offence punishable under Section 379 of I.P.C., r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.91 of 2024, on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that the petitioners have illegally transported 1/2 unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. However, on instructions, the petitioners are ready to deposit a sum of Rs.10,000/- to the Judicial Magistrate Court, Kamuthi, Ramanathapuram District for constructing a toilet to the Advocates without prejudice to their defence before the trial Court. Hence, he prays for bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further conditions that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the



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learned Judicial Magistrate, Kamuthi, Ramanathapuram District and the petitioners are further directed to produce the copy of the Demand Draft without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the learned Judicial Magistrate shall spend the amount for constructing a toilet to the Advocates;

(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 petitioners are directed to appear before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
28/02/2024
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28/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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ORDER

IN

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Date :28/02/2024

RS//SAR-(28.02.2024) 5P 8C

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