



CRL OP(MD). No.3115 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

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Hariharan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Kallaperuambur Police Station,
Thanjavur District.
Cr.No.37/2024.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, 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. 37/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A3, who was arrested and remanded to judicial custody on 20.02.2024 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.37 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported one

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



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unit of river sand. Hence, the complaint.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. However, the petitioner is ready to deposit a sum of Rs.50,000/- to the Judicial Magistrate Court, Kamuthi, Ramanathapuram District for constructing a toilet to the Advocates without prejudice to his defence before the trial Court. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there are eight previous cases pending against the petitioner. Therefore, he vehemently opposed for grant of 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 No.2, Thanjavur and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.50,000/- (Rupees Fifty Thousand only) in favour of



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the learned Judicial Magistrate, Kamuthi, Ramanathapuram District and the petitioner is further directed to produce the copy of the Demand Draft 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 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 petitioner is directed to appear before the respondent police as and when required for interrogation;

(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;



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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 NO.2, THANJAVUR.

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, KALLAPERUAMBUR 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.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2449[I] dated 28/02/2024)



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ORDER

IN

CRL OP(MD) No.3115 of 2024

Date :28/02/2024

RS//SAR-(28.02.2024) 5P 9C

Madurai Bench of Madras High Court is issuing
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