



CRL OP(MD)No.3419 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Raman

2.Ramesh

... Petitioners/ Accused Nos. 1 & 2

Vs

The State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Swamimalai, Thanjavur District.
(Crime No.53 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.S.Sankar, 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.53 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody



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on 13.02.2024 for the alleged offence punishable under Section 379 IPC r/w Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.53 of 2024, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners have illegally transported 8 unit (3 unit in one lorry and 5 unit in another lorry) 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, the petitioners, without prejudice to their rights and contentions before the trial Court, are ready to take a Demand Draft, for a sum of Rs.75,000/- each in favour of the Executive Officer, Aathi Kumbeswarar Temple, Kumbakonam, Thanjavur District, for the purpose of restoration/cleaning of the Magamaham tank.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that investigation is going on.

5.Considering the facts and circumstances of the case, 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



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two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Thanjavur and on further conditions that:

(a) as per undertaking given by the petitioners, they shall take a Demand Draft for a sum of Rs.75,000/- each (Rupees Seventy Five Thousand each) (Totally Rupees One Lakh and Fifty Thousand only) in favour of the Executive Officer, Aathi Kumbeswarar Temple, Kumbakonam, Thanjavur District, for the purpose of restoration/cleaning of the Magamaham tank, without prejudice to their rights and contentions before the trial Court and shall 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 petitioners is directed to appear before the respondent police daily at 10.30 A.M., for a period of two weeks and thereafter as and when required;

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

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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
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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;

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

sd/-
04/03/2024

/ TRUE COPY /

04/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE PRINCIPAL SESSIONS JUDGE
THANJAVUR
- 2 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION, SWAMIMALAI,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, KUMBAKONAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE EXECUTIVE OFFICER
AATHI KUMBESWARAR TEMPLE,
KUMBAKONAM,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.3419 of 2024
Date :04/03/2024

PKP/SAR /04.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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