



CRL OP(MD)No.3395 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
CRL OP(MD)No.3395 of 2024

R.Lakshmanan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
(Crime No.128 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.N.Ramanathan, 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.128 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.02.2024 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.128 of 2024, 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 one unit of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the

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petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Panchayat Union Primary School, Udayalur, for the welfare of the students.

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 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.II, Kumbakonam, Thanjavur District 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.25,000/- (Rupees Twenty Five Thousand only) in favour of the Headmaster, Panchayat Union Primary School, Udayalur and the petitioner is further directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate and thereafter, sureties shall be accepted;

(b)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(c)the petitioner 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;

(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;

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

sd/-

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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

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TO

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1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE, NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

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

COPY TO

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL, UDAYALUR.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-2688[I] dated 04/03/2024)

ORDER

IN

CRL OP(MD) No.3395 of 2024

Date :04/03/2024

RS//SAR-(04.03.2024) 4P 8C

Madurai Bench of Madras High Court is issuing
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