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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD). No.3964 of 2024

Alexandar,

... Petitioner/Sole Accused

Vs

The State Rep by
The Inspector of Police,
Melatur Police Station,
Thanjavur District.
Crime No.85/2024.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R L,
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.85/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody

on 01.03.2024 for the offences punishable under Section 379 of IPC r/w 21(1) of

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

Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.85 of



2024, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner was involved in illegal transportation of four bags of river sand. Hence, the case.

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. He would further submit that the petitioner is in judicial custody since 01.03.2024. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for purchasing furnishers i.e., tables, chairs etc., in the said School and hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant bail stating that the petitioner was involved in illegal transportation of four bags of river sand. However, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that no antecedent is reported against the petitioner and the amount of sand

involved in this case, this court is inclined to grant bail to the petitioner, subject to the following 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 Court No.III, Thanjavur, Thanjavur District**, and on further conditions that:

(a) 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;

(b) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to **the Headmaster, Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai**, by way of Demand Draft, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;



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(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/-
12/03/2024

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12/03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



TO

1. The Judicial Magistrate No.III,
Thanjavur, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge,
District Prison, Thanjavur, Thanjavur District.
4. The Inspector of Police,
Melatur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To
The Headmaster,
Government Model Girls Higher Secondary School,
Ulaganeri, Y.Othakadai,
Madurai.

ORDER

IN

CRL OP(MD) No.3964 of 2024

Date :12/03/2024

SSA (12.03.2024) 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.