



CRL OP(MD). No.4599 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4599 of 2024

Elayaraja

... Petitioner/ Accused Rank No.1

Vs

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.158 of 2024.

... Respondent/Complainant

For Petitioner : Mr.B.P.Raghavan, 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.158 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / 1st Accused, who was arrested and remanded to judicial custody on 13.03.2024 for the offence punishable under Section 379 of IPC r/w Section 21(4) of Mines & Minerals (Development & Regulation Act), 1957, in Crime No.158 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution that when the defacto complainant was in

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patrolling duty, the petitioner was found in illegal transportation of $\frac{1}{4}$ unit of river sand through bullock cart. The said bullock cart was seized with river sand. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution and he was falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.03.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to the Adidravidar Welfare Primary School, Nachiyarkovil, Thanjavur District, for making toilet facility or providing other facilities to the students. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit the petitioner was involved in transportation of illegal sand mining activities. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the quantity of the minerals seized from the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, this Criminal Original Petition is ordered and 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.III, Thanjavur, Thanjavur District and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Adidraavidar Welfare Primary School, Nachiyarkovil, Thanjavur District, (School Code-33211002002), 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 Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(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 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/-
22/03/2024

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22/03/2024

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

Indu
TO

1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR, THANJAVUR DISTRICT.

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

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



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4 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR DISTRICT.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
ADIDRAVIDAR WELFARE PRIMARY SCHOOL,
NACHIYARKOVIL, THANJAVUR DISTRICT.
(SCHOOL CODE - 33211002002)

ORDER

IN

CRL OP(MD) No.4599 of 2024

Date :22/03/2024

RS//SAR-(22.03.2024) 5P 7C

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