



CRL OP(MD). No.4856 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4856 of 2024

Muthu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
In Crime No.153 of 2024.

... Respondent/Complainant

For Petitioner : Mr.A.SIVASUBRAMANIAN,
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.153 of 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 16.03.2024 for the offence punishable under Section 379 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation Act), 1957, in Crime No.153 of 2024 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution that the petitioner was found in illegal transportation of 4 bags of river sand near South of Kaveri river using two wheeler bearing registration No.TN 67 W 2173. The said vehicle 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 16.03.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the Adidraavidar 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. Further, one previous case is pending against the petitioner in similar nature. 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



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quantity of the minerals seized from the petitioner and one previous case pending against the petitioner in similar nature, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Thiruvaiyar and on further conditions that:

(a) as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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;



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

(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/-
27/03/2024

/ TRUE COPY /

27/03/2024
Sub-Assistant Registrar
(Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYAR.

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

3 THE OFFICER INCHARGE,
SUB PRISON, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE HEAD MASTER / HEAD MISTRESS,
ADIDRAVIDAR WELFARE PRIMARY SCHOOL,
NACHIYARKOVIL,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.4856 of 2024

Date :27/03/2024

SA/SAR. /27.03.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.