



CRL OP(MD).No.4987 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.4987 of 2024

Prabu Deva

... Petitioner/1st Accused

Vs

State rep. by,
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District
In Crime No.166/2024..

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran
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.166/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 12.03.2024 for the offence punishable under Section 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.166 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused have illegally transported three units of river sand by using Tipper Lorry. Hence, the complaint.

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 12.03.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.60,000/- to the Government Higher Secondary School, Sholapuram, for the welfare of the students. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent

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would submit the petitioner was involved in transportation of illegal sand mining activities. Further, one previous case is pending against the petitioner. 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 sand seized from the petitioner, 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 No.2, Kumbakonam, and on further conditions that:

(a)as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.60,000/- (Rupees Sixty Thousand only) to the Government Higher Secondary School,



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Sholapuram, for the welfare of the students, 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;

(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;



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(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/-
28/03/2024

/ TRUE COPY /

28/03/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

TO

1. THE JUDICIAL MAGISTRATE NO.2, KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE OFFICER IN CHARGE, SUB JAIL, KUMBAKONAM.
- 4.THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION, THANJAVUR DISTRICT



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

COPY TO

THE HEADMASTER GOVERNMENT HIGHER SECONDARY SCHOOL,
SHOLAPURAM,

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-3906[I] dated 28/03/2024)

ORDER
IN
CRL OP(MD) No.4987 of 2024
Date :28/03/2024

RK/ (28/03/2024) 6P / 8C

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