



CRL OP(MD).No.5132 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Sathish @ Manal Sathish

2. Ranjith

... Petitioners/ Accused No.1 & 2

Versus

State Rep. by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.168 of 2024)

... Respondent/Complainant

For Petitioners : Mr.M.Prabu,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.168 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime



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No.168 of 2024 for the offence under Sections 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and remanded them into judicial custody on 21.03.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that the petitioners have illegally transported 4 bags of river sand in a two-wheeler bearing Reg.No.TN49 AC 1867.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in Jail from 21.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the first petitioner is having two previous cases and the second petitioner is having ten previous cases, which are relating to the offences of Tamil Nadu Prohibition Act.

5. Considering the antecedent of the second petitioner, this Court is not



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inclined to grant bail to the second petitioner.

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6. Insofar as the first petitioner is concerned, considering the nature of offence and also considering the period of incarceration, this Court is inclined to grant bail to the first petitioner alone.

7. Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is ordered to be released on bail

i) on the 1st petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

ii) The 1st petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii) The 1st petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv) The 1st petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.



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v) On violation of any of the above conditions by the 1st petitioner, the respondent police shall move an application for cancellation of the bail.

8. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
30/04/2024

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30/04/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT.



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4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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

ORDER
IN
CRL OP(MD) No.5132 of 2024
Date :30/04/2024

SS/SAR- /30/04/2024/5P/6C

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