



CRL OP(MD). No.6299 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6299 of 2024

Salaman

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Naducavery Police Station,  
Thanjavur District.  
Crime No.189/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian, 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.189/2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 05.04.2024, for the offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.189 of 2024, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/4

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



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unit of river sand in a bullock cart.

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3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in Jail from 05.04.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigation is yet to be completed. He further submits that four previous cases are pending against the petitioner, in which, three cases are similar in nature.

5. Considering the previous antecedents of the petitioner, this Court is not inclined to enlarge the petitioner on bail. However, the learned counsel for the petitioner submitted that the petitioner is ready to file an undertaking affidavit before the concerned Judicial Magistrate that he will not indulge in any offence in future.

6. Considering the facts and circumstances of the case, the readiness of the petitioner to file an affidavit that he will not indulge in any offence in future and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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Thousand) with two sureties each for a like sum to the satisfaction of the learned  
Judicial Magistrate, Thiruvaiyaru.

ii) The 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 and also, the petitioner shall file an affidavit before the concerned Judicial Magistrate at the time of furnishing the sureties that he will not indulge in any offence.

iii) The petitioner is directed to appear before the respondent police daily at 10.00 a.m until further orders. He has to co-operate for the investigation.

iv) The 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.

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

sd/-  
24/04/2024

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24/04/2024

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

PNM



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TO

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1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

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

3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

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

ORDER

IN

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Date :24/04/2024

RS//SAR-(24.04.2024) 4P 6C

Madurai Bench of Madras High Court is issuing  
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