



CRL OP(MD). No.7325 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice **S.SRIMATHY**

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Mathivanan,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
In Crime No.218 of 2024.

... Respondent/Complainant

For Petitioner : M/s. Balamuruganantham.R, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.218 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody



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on 03.05.2024 for the offences under sections 379 of IPC and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.218 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner has illegally transported 5 units of river sand through a Torres lorry bearing registration No.TN 63 AL 3297. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 03.05.2024. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner that the petitioner is involved in two previous cases.

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



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6. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner with some stringent conditions:

7. Accordingly, 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 learned *Judicial Magistrate, Manamadurai, Sivagangai District* and on further conditions that :-

- a) 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;
- b) the petitioner shall make a payment of Rs.25,000/- (Rupees Twenty Five Thousand Only) in favour of "The Head Master, Government Model Girls Higher Secondary School, Y.Othakkadai, Madurai, in SBI Account No.10968750674, IFSC No.SBI0002246, State Bank of India, Y.Othakkadai, Madurai. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under "Namakku Name" Scheme. After payment, the petitioner shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit;



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- c) the petitioner shall report before the respondent police daily at 10.30 a.m.,
until further orders;
- d) the petitioner shall not abscond either during investigation or trial;
- e) the petitioner shall not tamper with evidence or witness 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
petitioners are 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]*;
- g) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-

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23/05/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM



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TO

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- 1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEAD MASTER,
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
Y.OTHAKKADAI,
MADURAI

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-5606[I] dated 22/05/2024)

ORDER

IN

CRL OP(MD) No.7325 of 2024

Date :22/05/2024

SS/SAR- /23/05/2024/5P/8C

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