



CRL OP(MD). No.7427 of 2024

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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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Rathakrishanan

... Petitioner/Sole accused

versus

The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No. 154 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.M.Boopathi Pandiyan, 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.154 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.05.2024 for the offences under Section 379 IPC r/w. Section 21(4) of Mines and Minerals

(Development & Regulation) Act 1957, in Crime No.154 of 2024 on the file of the

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



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respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported ½ unit river sand in a Tractor. Hence, the case.

3. The learned counsel appearing 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 04.05.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration and also considering the fact that the petitioner is not having any previous case, this court is inclined to grant bail to the petitioner.

6. 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 learned Judicial Magistrate, Ilayangudi 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



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card or Bank pass Book to ensure their identity.

[b] the petitioner shall make a payment of Rs.15,000/- (Rupees Fifteen thousand) 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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



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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/-
22/05/2024

/ TRUE COPY /

22/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

- 1 THE JUDICIAL MAGISTRATE,
ILAYANGUDI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.



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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.OTHAKADAI,
MADURAI.

+1 CC to M/s.M.BOOPATHI PANDIYAN, Advocate (SR-5551[I] dated 22/05/2024)

ORDER
IN

CRL OP(MD) No.7427 of 2024

Date :22/05/2024

PKP/22.05.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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