



CRL OP(MD). No.7549 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/05/2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7549 of 2024

Devandiran

... Petitioner / Sole Accused

Vs

The State, Rep., by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.591 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chidambaram
Advocate.

For Respondent : Mr.M.Sakthikumar
Government advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.591 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 08.05.2024 for the offences under sections 379 of IPC r/w 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.591 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported four bags of river sand in a two wheeler. 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 08.05.2024. 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.

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



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6. Taking into consideration 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, Papanasam, Thanjavur 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 non refundable deposit of Rs.2,000/-(Rupees Two Thousand only) to the credit of the Headmistress, Government Girls High School, Kottampatty, Melur in State Bank of India, Melur Branch, Account No.30636647339 IFSC No.SBIN0000258, MICR Code: 625002021, without prejudice to his contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.



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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/-
23/05/2024

/ TRUE COPY /

23 /05/2024
Sub-Assistant Registrar (AD-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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ABR
TO COPY

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KABISHALAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to

THE HEADMISTRESS
GOVERNMENT GIRLS HIGH SCHOOL,
KOTTAMPATTY,
MELUR.

ORDER
IN
CRL OP(MD) No.7549 of 2024
Date :23/05/2024

PKP/23.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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