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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.7630 of 2024

1.Magkottai @ Rajesh

2.Sakthi @ Sakthivel

... Petitioners/ Accused Nos.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.261 of 2024).

... Respondent/ Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate

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

PRAYER :-

For Bail in Crime No.261 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 08.05.2024, for the offence under Sections 379 of IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.261 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioners and other accused have transported 60 cement bags of river sand in a two-wheeler. Hence the complaint.

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 08.05.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submits that the investigation is not yet completed and the first petitioner has two previous cases, one of which is similar in nature and the second petitioner has five previous cases, out of which, three are similar in nature and hence he strongly objects to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, and on further conditions that :-



- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the first and second petitioners shall make a non refundable deposit of Rs.15,000/-(Rupees Fifteen Thousand only) and Rs.20,000/- respectively, 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 petitioners.
- c) the petitioners report before the respondent police daily at 10.30 a.m, until further orders.
- d) the petitioners shall not abscond either during investigation or trial.
- e) the petitioners 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 petitioners 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].

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g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/05/2024

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

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TO

1.The Judicial Magistrate, Thiruvaiyaru,
Thanjavur District.

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

3.The Sub Jail, Papanasam, Thanjavur.

4.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Headmistress, Government Girls High School, Kottampatty, Melur



+1. CC to M/S.DHILIPAN PANDIAN.R.L. Advocate SR.No.5737

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ORDER
IN

CRL OP(MD) No.7630 of 2024

Date :23/05/2024

MK/23.05.2024 5P 8C

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