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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.7613 of 2024

Vijayaraj

... Petitioner/ Sole Accused

Vs

The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(In Crime No. 389 of 2024).

... Respondent/ Complainant

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

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)

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

PRAYER :-

For Bail in Crime No. 389 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner / sole accused, who was arrested and remanded to judicial custody on 18.02.2024 for the offences under Sections 379 of IPC and 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No. 389 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner has illegally transported 1 unit of river sand. 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 18.02.2024. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl Side) appearing for the respondent Police submits that investigation is not yet completed.

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

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 the learned Judicial Magistrate, Pattukottai 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.
- 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.

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

MGA/ABR

TO

1.The Judicial Magistrate,
Pattukottai,
Thanjavur District.

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

3.The Sub Jail, Papanasam, Thanjavur.

4.The Inspector of Police,
Ammamet 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 DHILIPAN PANDIAN R L Advocate SR.No.5739



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ORDER
IN
CRL OP(MD) No.7613 of 2024
Date :23/05/2024

MK/23.05.2024 5P 8C

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