



CRL OP(MD). No.7862 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble **MRS JUSTICE L.VICTORIA GOWRI**

CRL OP(MD). No.7862 of 2024

Arivalagan

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
Cr.No.483/2024.

... Respondent/Complainant

For Petitioner : Mr.J.Saravanakumar, Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.483/2024 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 on



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19.05.2024 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.483 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported two bags of river sand. Hence the complaint.

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. Hence, he prays for bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case is pending against the petitioner.

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 and also the fact that no previous case



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is pending against the petitioner, this court is inclined to grant bail to the petitioner,

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subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on their 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.1,000/- (Rupees One Thousand only)** to the credit of the Creche attached to Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining creche and 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 30 days** and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.



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[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 petitioner is 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/-
29/05/2024

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29/05/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1 CC to M/s.J.SARAVANAKUMAR, Advocate (SR-5900[I] dated 29/05/2024)

ORDER

IN

CRL OP(MD) No.7862 of 2024

Date :29/05/2024

SS/SAR- /29/05/2024/5P/8C

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