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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.7845 of 2024

1.Balakumar
2.Manimozhi

... Petitioners/ Accused Nos.1 and 2

Vs

The State represented by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Cr.No.298/2024.

... Respondent/Complainant

For Petitioners : Mr.B.Jameelarasu
Advocate.

For Respondent : Mr.A.Albert James
Government Advocate

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

PRAYER :-

For Bail in Crime No.298/2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioners / A1 and A2 who were arrested and remanded to judicial custody on 14.05.2024 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.298 of 2024 on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners have illegally transported 3 units of river sand. 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. Hence, he prays for bail.

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

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 is pending against the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are 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 learned Judicial Magistrate No.II, Kumbakonam, 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 petitioners shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only) each** to the credit of the Manolaya, 4/133/4, Chardep Nagar Atchankulam, Potrayadi P.O. Kanyakumari District - 629 703 (Account No:025302000000284, IFSC Code:- IOBA0000253, Indian Overseas Bank, Kottaram Branch and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

[c] the petitioners 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 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].

[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 (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1. The Judicial Magistrate No.II,
Kumbakonam,
Thanjavur District.

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

3. The Officer incharge,
Sub Jail,
Kumbakonam,
Thanjavur District.

4. The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.

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



COPY TO:

The Officer incharge,
Manolaya,
4/133/4, Chardep Nagar
Atchankulam, Potrayadi P.O.
Kanyakumari District - 629 703

ORDER
IN

CRL OP(MD) No.7845 of 2024

Date :29/05/2024

MK/29.05.2024 5P 7C

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