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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.7828 of 2024

Chandran

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Cr.No.366/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Arun Prasad, 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.366/2024 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

15.05.2024 for the offences under sections 379 of IPC r/w 21(4) of the Mines and

<https://www.mhc.tn.gov.in/judis>



Minerals (Development and Regulation) Act, 1957 in Crime No.366 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have illegally transported three 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 is pending against the petitioner, this court is inclined to grant bail to the petitioner, 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 No.III, Thanjavur 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.

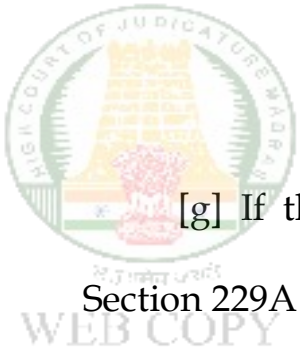
[b] the petitioner shall make a non refundable deposit of **Rs.3,000/- (Rupees Three Thousand only) each** to the credit of the Siddha Unit attached to this Court (A/c No:10767823177, IFSC Code:SBIN0000898, MICR Code:625002601) and shall produce the receipt/acknowledgment before the concerned Court along 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.

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

LR
TO

1. The Judicial Magistrate No.III,
Thanjavur
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. The Officer incharge,
Sub Jail,
Thanjavur.
4. The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:
THE OFFICER INCHARGE,
SIDDHA UNIT,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.7828 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